

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35786 of 2015.
Decided on:-29.10.2015.

Baljinder Kumar.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Jatinderpal Singh, Advocate
for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.124 dated 24.6.2014 under Sections 341 and 323 read with Section 34 IPC (Sections 308 and 325 IPC added later on) registered at Police Station City South Moga, District Moga during the pendency of the trial. In the case in hand, the challan was presented under Sections 308, 325, 323 and 342 IPC.

Learned counsel for the petitioner contends that on 19.8.2015 though petitioner Baljinder Kumar was present in the Court, however, on account of some inadvertent mistake, his presence was not noticed. Accordingly, non-bailable warrant was issued against him for 8.9.2015. Thereafter, on 8.9.2015, fresh non-bailable warrant was issued for

5.10.2015. However, the petitioner surrendered before the trial Court on 10.9.2015 which sufficiently shows his bonafides and it is because of inadvertent mistake that his presence could not be recorded on 19.8.2015. He further submits that the petitioner is in custody since 10.9.2015 and, in fact, he has helped the complainant in taking him to the hospital which fact has duly been incorporated in the F.I.R.

Learned State counsel, on instructions from HC Gursewak Singh, does not dispute the fact that the petitioner has surrendered on his own before the trial Court on 10.9.2015. However, he submits that the petitioner was absent on two different occasions without any plausible reason.

Taking into consideration the fact that initially, the petitioner was not arrayed as an accused in the FIR coupled with the fact that he has surrendered before the trial Court on his own on 10.9.2015, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

It is made clear that the observations made hereinabove shall not be construed as reflection of any opinion on the merits of the main case and the trial Court shall decide the case on the basis of availability of evidence.

October 29, 2015
Yag Dutt

(HARI PAL VERMA)
JUDGE