

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42708-2014

Date of Decision: February 6, 2015

Rajesh Arora

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Kushagra Mahajan, Advocate,
for the petitioner.

Mr. Shilesh Gupta, Addl. AG, Punjab,
for respondent No. 1.

None for respondent No. 2.

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Rajesh Arora, son of Hari Narayan Arora, resident of Taddi Ghat, Machhar Hata, Patna City (Bihar), who has been summoned to face trial in a complaint case for the offences punishable under Sections 120-B, 306, 323, 324, 406 and 498-A, IPC. After his summoning the petitioner was granted anticipatory bail and he had put in appearance before learned summoning Court. The case was committed to the Court of Session and thereafter on 6.1.2014 the petitioner did not appear before learned Trial Court and, as such, his presence was ordered

to be secured through non-bailable warrants.

Learned counsel contends that in view of the facts and circumstances of the case, the petitioner was granted anticipatory bail, but due to unavoidable circumstances the petitioner could not appear before learned Trial Court on 6.1.2014 and thereafter he was arrested on 15.11.2014 and since then he is behind bars. He further contends that the petitioner is neither required nor involved in any other case. He also contends that in future the petitioner shall not remain absent during course of trial.

Despite service, no one has put in appearance for respondent No. 2.

Learned counsel for the State on instruction from HC Kulwinder Singh of Police Station, Jamalpur, District Ludhiana, very fairly concedes that the petitioner was granted anticipatory bail, but he did not appear before learned Trial Court on 6.1.2014 and, as such, non-bailable warrants were issued for securing his presence. He further contends that the petitioner remained absent for approximately 10 months during trial and, as such, he does not deserve the concession of bail at this stage.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

It is conceded position that on merits the petitioner was granted anticipatory bail, but he could not appear before learned Trial Court on 6.1.2014. He was later on arrested on 15.11.2014 and since then he is behind the bars. He has already suffered incarceration for 2 months and approximately 20 days. His further incarceration does not appear to be justified.

In view of above, the present petition is allowed. The petitioner, Rajesh Arora, son of Hari Narayan Arora, resident of Taddi Ghat, Machhar Hata, Patna City (Bihar), is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bail bonds in the sum of Rs. 1,00,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

February 6, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE