

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-35442-2016

Date of Decision:- 18.10.2016

Sandeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Dr. Anmol Rattan Sidhu, Senior Advocate  
with Mr. Pratham Sethi, Advocate  
for the petitioner.**

**Mr. D.K. Singla, DAG, Haryana.**

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**RITU BAHRI, J. (Oral)**

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No.450 dated 08.09.2014, registered at Police Station City Palwal, District Palwal, who has been booked for having committed the offence punishable under Sections 363, 366, 376 and 506 IPC.

As is evident from the record that vide order dated 10.12.2014 passed in CRM-M-42112 of 2014, the petitioner was granted the anticipatory bail by this Court and the said order was made absolute by this Court on 10.02.2015. The bail bond of the petitioner was accepted by the learned magistrate on 20.04.2015. On 13.05.2015, the challan was presented by the police before the learned magistrate. The petitioner was posted in Army at Jammu & Kashmir and could not put in appearance as he was not

granted the leaves. The detail of the dates are given by the trial Court in

paragraph 2 of order dated 23.09.2016. After cancellation of bail bonds vide order dated 01.03.2016, the petitioner finally surrendered before the area Magistrate on 02.09.2016. The regular bail filed by the petitioner has been rejected on the ground that he had not placed on record any document or letter from his Commanding Officer to the effect that he was not granted any kind of leave due to exigency of his service and commitment proceedings got delayed for about 18 months only due to his unavailability.

Learned State counsel has not been able to dispute the fact that petitioner was working in high altitude area with posting in Jammu & Kashmir in the Indian Army at the time when he could not appear in Court.

Learned counsel for the petitioner has argued that the petitioner is now posted at Meerut and he will take appropriate leaves as and when the date fixed before the trial Court.

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

Keeping in view the fact that the petitioner has surrendered himself on 02.09.2016 and the fact that his absence on the relevant dates was not intentional or deliberate, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Judge/Duty Magistrate, Palwal.

October 18, 2016  
naresh.k

( RITU BAHRI )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |