

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42057-2016

Date of decision: November 29, 2016.

Vikas

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Varun Gupta, Advocate for the petitioner.

Shri Karan Singh, Assistant Advocate General, Haryana.

A.B. Chaudhari, J. (Oral):

Rule. Heard forthwith.

The petitioner was on bail in FIR No.271 dated 15.10.2015, under Sections 323, 452, 354, 506 IPC & 3 of the SC/ST Act, PS Nangal Chaudhary, District Mahendergarh by virtue of order dated 9.12.2015. However, he was absent on a date of hearing and the trial court cancelled his bail bonds and issued non bailable warrants and the petitioner is in jail since then.

Learned Counsel for the State opposes the prayer for regular bail on the ground that the offences are serious. He fairly states that the order granting bail by the Special Judge was not challenged by the State. By the impugned order, the trial judge did not extend the facility of bail.

It is true that the petitioner was at fault in not attending the court on a particular date. But then, the fact remains that the petitioner was

already on bail by virtue of the order of the trial court and his default on one date should not curtail his liberty as the trial will take its own time.

In that view of the matter, without finding any fault with the impugned order, I think the petitioner should be released on bail on fresh bail bonds as now he is already in custody from 12.8.2016 as no fruitful purpose can be served by detaining him in custody.

Petition is allowed. Impugned order is set aside. Bail to the petitioner to the satisfaction of the trial judge.

[A.B. Chaudhari]
Judge

November 29, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No