

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

Sr. No.103

CRM NO. M-46133 of 2016
DECIDED ON: December 23, 2016

JAGVEER AND OTHERS

..PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Monisha Lamba, Advocate,
for the petitioners.

Mr. Parveen Aggarwal, DAG, Haryana.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 438 Cr.P.C., petitioners have sought the concession of bail, in case bearing FIR No. 47, dated 22.02.2016, under Sections 147, 148, 149, 186, 323, 332, 353, 506 IPC (Section 333 IPC added later on), registered at Police Station Sadar Ballabgarh, District Faridabad.

Notice of motion.

At the asking of Court, Mr. Parveen Aggarwal, DAG, Haryana accepts notice on behalf of respondent-Haryana. Copy of the petition be supplied to learned State counsel during the course of day.

Concededly, petitioners were granted the concession of bail by the trial court vide order dated May 24, 2016 but subsequently on December 09, 2016 when the case was fixed for commitment proceedings, petitioners could not appear on account of marriage of daughter of one of the petitioner

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namely Birender. An application for exemption from personal appearance was moved but that was declined. Resultantly, bail orders were cancelled and were forfeited to the State. Petitioners were ordered to be summoned through non-bailable warrants of arrest, which necessitated the filing of the instant petition. The absence of the petitioners on December 09, 2016 cannot be termed to be either intentionally or willful, rather it was only on account of reason that marriage of the daughter of one of the petitioner No.3-namely Birender was to be solemnized on that date. Petitioner Nos.1 & 2 are stated to be close relatives of the petitioner No.3, who are otherwise supposed to participate in the marriage. Otherwise also, the trial has not commenced as the offences complained of against the petitioners were triable by the Sessions Court, bail bonds have been cancelled by the Magistrate, when the challan was still pending before him for commitment proceedings. Such an action on the part of the Magistrate is otherwise not justified, as there should have been human touch while declining the application for exemption.

Taking into consideration the aforesaid facts, instant petition is allowed and petitioners are directed to appear/surrender before the trial Court within 7 days on the receipt of certified copy of this Court order, who shall be released on bail at the satisfaction of concerned trial Court.

December 23, 2016
Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No