

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-10301 of 2017
Date of Decision: 25.04.2017

Nikita

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Ahluwalia , Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 57 dated 10.03.2014 registered for offences punishable under Sections 302, 450, 216, 120-B read with Section 34 of Indian Penal Code (for short, “IPC”) and 25 of the Arms Act, at Police Station Murthal, District Sonapat.

Heard.

Notice of motion.

On asking of the court, Mr. Vikramjit Singh, Addl. AG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The petitioner was earlier allowed regular bail vide order dated 13.03.2015 passed in CRM-M-7342 of 2015. She absented during trial on 04.02.2017 and her non-bailable warrants were issued for 28.02.2017, on which date she surrendered and applied for bail but was taken into custody and sent to jail.

Learned counsel for the petitioner submits that the petitioner had been regularly appearing during the trial for two years and there was no lapse on her part on any earlier occasion except on 04.02.2017.

Keeping in view above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Nikita is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

April 25, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No