

CRM-M-21065 of 2017(O&M)

Date of decision : 19.09.2017

Devi Lal

..... Petitioner

versus

State of Haryana

..... Respondent

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

Present: Mr. A.K.Goyal, Advocate for the petitioner.

Ms.Tanisha Peshawaria, DAG, Haryana.

Mr.Navraj S.Mohal, Advocate
for Mr.Gautam Dutt, Advocate for the complainant.

A.B.CHAUDHARI, J. (Oral)

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in case FIR No. 1284 dated 08.11.2015, under Sections 302, 120-B IPC and Sections 25, 54 and 59 of Arms Act, registered at Police Station Chandni Bagh, District Panipat.

Heard learned counsel for the rival parties.

This Court in a serious case of murder had granted regular bail to the petitioner. The trial started. On the relevant date namely 06.04.2017 the petitioner Devi Lal remained absent and, therefore, the trial Court, while cancelling his bail, made the following order:-

“ Accused Devi Lal has neither produced the death certificate of his uncle nor any writing of Sarpanch of his village till today. On 20.01.2017 three prosecution witnesses were present but could not examined as accused Devi Lal had not appeared

before the Court and moved an application for exemption of his personal appearance. Accused Devi Lal had moved an application on 20.01.2017 for exemption of his personal appearance with malafide intention just to delay the disposal of the case and he had intentionally not appeared before the Court. Keeping in view the above said facts and observation made by this Court vide order dated 20.01.2017 bail of accused Devi Lal is hereby cancelled and bail bond and surety bond furnished on behalf of accused Devi Lal is hereby cancelled and bail bond and surety bond furnished on behalf of accused Devi Lal are forfeited to the State. Accused Devi Lal be taken into custody.”

The trial Court clearly observed in the order that the petitioner claimed to have remained absent because of the alleged death of some body in context of which nothing was placed on record. Counsel for the petitioner submits that now evidence of eye witnesses has been recorded and he has placed before this Court copy of the deposition of Khushdil son of Shri Karan Singh-PW5. I have seen the deposition of the said witness.

In the absence of the petitioner, the trial court was compelled to send back three prosecution witnesses who had come to the Court to get their statements recorded. In that view of the matter the trial Court has rightly viewed the conduct of the petitioner with seriousness since the witnesses had to be sent back without their statements having been recorded. However, I find that this Court had granted regular bail to the petitioner and there is no point in getting the said order redundant though

the petitioner is guilty of obstructing proceedings before the trial Court.

In that view of the matter I think the petitioner has to pay exemplary costs to the State of Haryana by depositing the same with the trial Court. In the result I make the following order:-

ORDER

- i) CRM-M-21065 of 2017 is allowed.
- ii) The petitioner be released on bail in case FIR No. 1284 dated 08.11.2015, under Sections 302, 120-B IPC and Sections 25, 54 and 59 of Arms Act, registered at Police Station Chandni Bagh, District Panipat on furnishing fresh bonds subject to deposit of Rs. 25,000/- payable to the State of Haryana as a pre-condition. Trial to proceed.

(A.B.CHAUDHARI)
JUDGE

19.09.2017
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No