

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22846 of 2017 (O&M)

Date of Decision: 27.07.2017

Gyanender @ Chhotu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Munish Behl, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

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. 19 dated 10.02.2015 registered for offences punishable under Sections 302, 392, 201, 120-B read with Section 34 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Chhansa, District Faridabad.

Heard.

Learned counsel for the petitioner submits that the petitioner had been appearing regularly before the trial Court till FIR No. 289 of 2017 for offence punishable under Section 25 of the Arms Act was registered against him. Due to this, he moved applications on 04.05.2017 and 08.05.2017 seeking exemption from personal appearance. On 15.05.2017, he could not appear and his bail was cancelled. The petitioner was arrested in case bearing FIR no. 289 of 2017 on 03.05.2017 and was also produced in this case. The absence of petitioner was not intentional as he was

allowed bail in that case on 18.05.2017.

The petitioner was on bail in this case. Learned counsel for the petitioner has explained reasons for his not appearing on 04.05.2017, 08.05.2017 and 15.05.2017. Even otherwise, he is in custody for the last more than two months after his absence.

Keeping in view above facts and that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Gyanender @ Chhotu 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 27, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No