

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

CRL. MISC. No.M-26316 OF 2017
DATE OF DECISION : 24th JULY, 2017

Gyanender

.... Petitioner

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. Rahul Bhargawa, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.145 dated 24.02.2015 registered under Sections 148, 149, 323, 324, 452, 307 & 506 IPC and 25 of Arms Act at Police Station Hodal, District Palwal.

Notice of motion.

Mr. Sharad Kumar Yadav, DAG, Haryana accepts notice on behalf of the State of Haryana.

Rule.

Heard forthwith with consent of counsel for the rival parties.

Admittedly, the FIR relates to the year 2015. Learned counsel for the petitioner submits that the trial would commence and as a matter of fact 4th August, 2017 is the date fixed for the summoning of witnesses. He further submits that the petitioner would appear before the trial Court and face the trial with promptitude and he would not make any default in appearance before the trial Court. He then submitted that the petitioner was found innocent by the police, but by virtue of order of the

trial Court in exercise of power under Sections 319 Cr.P.C. he has been summoned as accused. In my opinion, looking to the nature of the FIR and the period that has passed, there is no point in pushing the petitioner in jail for facing the trial, particularly because the petitioner undertakes to appear before the trial Court with promptitude.

In that view of the matter, the petitioner should be given a last chance to be at liberty. However, subject to some costs. In the result, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-26316 OF 2017 is allowed.
- (iii) The petitioner be released on furnishing fresh bail bonds to the satisfaction of the concerned CJM/Duty Magistrate. The bail of the petitioner will be subject to deposit of costs amount of ₹5,000/- by the petitioner with the Court as a pre-condition, which shall be forfeited to the State of Haryana.
- (iv) The petitioner shall continue to appear before the trial Court with promptitude till the completion of trial as stated above.
- (v) Any further failure on the part of the petitioner shall result into taking him in custody by the trial Court.

24th JULY, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>