

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

**Criminal Misc. No. M-40599 of 2016
Date of Decision : February 1,2017**

Munashif Petitioner

VERSUS

Sehnaj and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. M.D.Khan, Advocate
for the petitioner.

Ms.Rosi, Advocate
for respondent No.1.

Mr. Anmol Malik, AAG, Haryana,
for the State/respondent No.2.

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LISA GILL, J. (Oral)

Prayer is for bail pending trial to the petitioner in Criminal Complaint Case No. 73, dated 7.6.2016 under Sections 376, 342, 506 IPC.

It is submitted that the petitioner had been granted anticipatory bail in this case and since then he was regularly appearing before the learned Trial Court. However, the petitioner could not appear before the learned Trial Court on 2.9.2016 as he was suffering from fever. Warrants of arrest were issued for 5.10.2016. The petitioner surrendered before the

learned Trial Court on 5.10.2016. His application for bail was dismissed and

the petitioner is in custody since 5.10.2016. It is submitted that this is the only occasion on which the petitioner did not appear. His absence was actuated by circumstances beyond his control and was not wilful or intentional. The petitioner further undertakes to appear on each and every date before the learned Trial Court and face trial.

I have heard the learned counsel for the parties.

It is not disputed that the petitioner had been appearing in this case on all occasions except on 2.9.2016 and had surrendered on 5.10.2016. He is in custody since then. No useful purpose would be served by keeping him incarcerated any longer. There is no allegation that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the court, if released on bail.

In view of the above but without expressing any opinion on the merits of the case, this petition filed by Munashif is allowed. Petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Trial Court.

(LISA GILL)

JUDGE

1.2.2017
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Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No