

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

CRL. MISC. No.M-41184 OF 2017
DATE OF DECISION : 13th NOVEMBER, 2017

Mohra

.... Petitioner

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. Vivek Khatri, Advocate for the petitioner.

Mrs. Tanisha Peshawaria, DAG Haryana.

* * * *

A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.132 dated 12.02.2006 registered under Sections 353, 307 IPC; Section 11 of Prevention of Animal Cruelty Act and Section 25 of Arms Act at Police Station Sadar Hisar, District Hisar.

Heard learned counsel for the rival parties.

Undoubtedly, the petitioner remained at large having been released on bail in the year 2006 for over a period of more than eleven years and was required to be arrested by the police and brought before the trial Court on 10.06.2017. There is no doubt that the petitioner caused total obstruction to the proceedings before the trial Court by his own conduct in remaining absent for a period of ten years. The Government was required to spend money for getting him arrested.

I have seen the fact that the offence has taken place long back i.e. in the year 2006 and also seen the nature of offence. The counsel for the petitioner, on instructions from the petitioner, makes statement

that the petitioner would pay a non-refundable compensation of ₹25,000/- to the Government, as a pre-condition for getting released on bail. The statement of learned counsel for the petitioner is accepted.

In my opinion, looking to the nature of offence and the fact that he was already released on bail earlier, the petitioner needs to be given a chance to be at liberty for facing the trial. However, looking to the record of the petitioner remaining absent for a long period, certain conditions will have to be imposed.

In that view of the matter, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-41184 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate, with heavy surety. The bail should be subject to the deposit of non-refundable cost amount of ₹25,000/- to be deposited by the petitioner with the office of Superintendent of Police, Hisar.
- (iii) The petitioner shall report to the police station concerned on every Monday, Wednesday and Sunday from 11.00am to 4.00pm in addition to appearing before the trial Court on the dates fixed there.
- (iv) The petitioner to surrender his passport with the trial Court, if he possesses the same.
- (v) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

13th NOVEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No