

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CRM-M-45836 of 2016**

**Date of Decision : 12.01.2017**

Rakesh

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Ajay Arora, Advocate  
for the petitioner.

**Surinder Gupta, J.**

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 54 dated 19.04.2009 registered for offences punishable under Sections 420, 467, 468, 471, 409, 201, 120-B and 174A IPC, at Police Station Udyog Vihar, Gurgaon.

Heard.

Notice of motion.

On asking of the Court, Ms. Harpreet Kaur, AAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Learned counsel for the petitioner submits that other accused named in the FIR has since been acquitted. The petitioner was proclaimed offender and was taken in custody in this case after issuance of production warrants on 16.09.2016.

Learned State counsel submits in this case the petitioner has twice jumped the bail and was declared proclaimed offender.

Keeping in view the fact that the petitioner is in custody for the last about four months after his arrest in this case and prior to his arrest he was already in custody in some other case, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Rakesh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

**January 12, 2017**

jk

**( SURINDER GUPTA )  
JUDGE**

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No