

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10515-2018 (O&M)

Date of Decision: 20.03.2018

Ram Niwas @ Ramu

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.N. Lohan, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner seeks the benefit of regular bail in case F.I.R. No.45 dated 11.1.2009 under sections 420, 467, 468, 471, 120-B I.P.C and sections 7, 13, 49, 88 of Prevention of Corruption Act, registered at Police Station, City Jind, District Jind.

Learned counsel for the parties have been heard.

Pleadings on record would indicate that petitioner was granted bail by this Court in the light of order dated 5.12.2013 in CRM-M-39711-2013. Thereafter an application was moved on behalf of the petitioner by his wife that he is of unsound mind and is suffering from Schizophrenia and accordingly prayer was made for holding an inquiry under section 328 Cr.P.C. Such application was rejected by the Trial Court. Petitioner preferred CRM-M-35977-2015 and the same was allowed by this Court in the light of order dated 2.3.2017 and the matter was remanded back to the Trial Court for deciding the application afresh as per mandate contained in Chapter XXV of the Code of Criminal Procedure. Trial Court vide order passed afresh dated 9.10.2017 dismissed the application moved by the wife.

Thereafter an application seeking exemption from personal appearance was

filed and which was declined by the Trial Court in the light of order dated 23.1.2018. At this stage, petitioner preferred CRM-M-5689-2018 before this Court and in which directions were issued that in case petitioner puts in appearance before the Trial Court on the date already fixed i.e. 14.2.2018, he would be admitted to bail subject to satisfaction of the Trial Court.

Petitioner is presently aggrieved of the order dated 28.2.2018 passed by learned Additional Sessions Judge, Jind and whereby the concession of bail was canceled on the ground that petitioner had failed to put in appearance on 14.2.2018.

Counsel has adverted to documents placed on record which would reflect that petitioner was arrested in another case i.e. FIR No.27 dated 17.1.2017 under sections 379, 467, 468, 471, 120-B I.P.C registered at Police Station, City Yamuna Nagar and was produced before the JMIC, Jagadhari on 11.2.2018 and was given police remand of two days i.e. up to 13.2.2018. He was again produced in custody before the JMIC, Jagadhari on 13.2.2018 and was remanded to judicial custody till 27.2.2018 vide order dated 13.2.2018 (Annexure P-4).

Counsel submits that under such circumstances petitioner's non-appearance before the Trial Court on 14.2.2018 was on account of circumstances beyond his control.

The factual narration set out herein above is not rebutted by learned State counsel.

In view of the above and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned provided he is not wanted in custody in any other case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

20.03.2018

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No