

Crl. Misc. No. M-12039 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-12039 of 2018

DATE OF DECISION:20.09.2018

Samar @ Simpy

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. NS Shekhawat, Advocate
for the petitioner.

Mr. D.K. Mittal, DAG, Haryana.

Mr. HPS Ishar, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Samar @ Simpy in case FIR No. 79 dated 5.3.2017 registered under Sections 148,149,307,323,427,506,201 IPC at Police Station Pinjore, District Panchkula, Haryana.

Learned counsel for the petitioner contends that the petitioner was released on bail by this Court vide order dated 21.4.2017 and thereafter he was appearing regularly before the trial Court as is clear from zimni orders annexed as Annexure P-3 (colly). Learned counsel further contends that on 18.12.2017, the petitioner moved an application for exemption from personal appearance on the ground that another FIR No. 183 dated

9.12.2017 has been registered against him but the same was not allowed. Learned counsel also contends that absence of the petitioner before the trial Court on 18.12.2017 was not intentional and an application was also moved for exemption from personal appearance. The petitioner is in custody since 26.12.2017 and is still ready to appear before the trial Court on each and every date and to abide by all the terms and conditions to be imposed by this Court.

Learned counsel for the respondent-State has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner intentionally remained absent, which was not justified. He further contends that while rejecting the application, reasons have been mentioned.

Learned counsel for the complainant has reiterated the arguments advanced by learned counsel for the respondent-State.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR as well as order passed by the lower Court, whereby, the application moved by the petitioner for exemption from personal appearance was rejected and non-bailable warrants were issued against him.

Admittedly, the petitioner was released on regular bail by this Court on 21.4.2017 and was appearing before the trial Court on each and every date. The application of the petitioner for exemption from personal appearance was dismissed as another case was registered against him and he could not appear before the trial Court on the date fixed.

Keeping in view the custody period as well as the fact that the petitioner was earlier released on regular bail on 21.4.2017, the present

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petition is allowed. Petitioner-Samar @ Simpy is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

September 20, 2018pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No