

Crl. Misc. No. M-12220 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-12220 of 2018

DATE OF DECISION:20.09.2018

Gopal

.....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-Gopal 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 26.10.2017 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 27.11.2017 and 7.12.2017, the petitioner moved applications for exemption from personal appearance and the same were

allowed. Thereafter another application for exemption from personal appearance was moved by the petitioner on 18.12.2017 on the ground that another FIR No. 183 dated 9.12.2017 has been registered against him but the same was dismissed. Learned counsel further submits that absence of the petitioner before the trial Court on 18.12.2017 was not intentional as an application was also moved for exemption from personal appearance. Learned counsel also contends that 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 not only once but on two occasions, the petitioner 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 26.10.2017 and was appearing before the trial Court on each and every date. The applications moved by the petitioner for exemption from personal appearance were allowed but the third 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 26.10.2017, the present petition is allowed. Petitioner-Gopal is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court. Petitioner is also directed to pay ₹5000/- as costs to be deposited before the trial Court.

September 20, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No