

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

**Crl. Misc. No.M-14931 of 2018 (O&M)
Date of Decision: September 24, 2018**

Baldev @ Balla

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pradeep Sharma, Advocate for
Mr. B.S. Makkar, Advocate
for the petitioner (s).

Ms. Dimple Jain, A.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 275 dated 02.09.2016 registered for the offence punishable under Sections 120-B, 307, 186, 353, 333 read with Section 34 of Indian Penal Code and 25, 27 of Arms Act, at Police Station City Dabwali, District Sirsa.

Heard.

Reply on behalf of State filed, which is taken on record.

It appears to be a routine reply without any serious efforts or suggestion to ensure that undertrials are produced in Courts on date fixed either in person or through video conferencing. It appears that State is not serious in ensuring the production of undertrials in Court and has not initiated steps to set up enough infrastructure in the Jails for production of the undertrials through video conferencing and one video conferencing set

in every jail is not suffice for production of several undertrials in different Courts through video conferencing.

Learned State counsel submits that necessary steps are being taken up in this regard by the State in consultation with Director General of Police (Prison).

Petitioner in this case was arrested on 28.09.2016 by issuing production warrants. Till date, charge has not been framed as he was not produced in Court for the purpose of initiation of trial. Keeping in view the fact that a period of almost 2 years has elapsed and the charge has not been framed till date and in the event of charge being framed, conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Baldev @ Balla 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

September 24, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No