

CRM-M-29761-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29761-2017 (O&M)

Date of Decision: 01st February, 2018

Sunny @ Jackson Goyal

...Petitioner

Versus

Madan Lal & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harpreet Singh Multani, Advocate
for the petitioner.

Mr. Navkiran Singh, Advocate
for respondent No.1.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-39441-2017

Application is allowed, subject to all just exceptions.

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Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in a private complaint No.10-RT/2014, dated 01.08.2011, under Sections 302, 201 and 34 of the Indian Penal Code.

The interim bail granted to the petitioner was dismissed vide order dated 06.05.2017 on the ground that he had not appeared before the trial Court when the case was taken up for hearing. Counsel contends that after the rejection of the interim bail, the petitioner was arrested on

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03.06.2017 and since then, he is in custody. He submits that the petitioner has been summoned in a criminal complaint, in which, when the case was taken up for hearing on 15.01.2018, counsel for the complainant had undertaken that the complainant and his son would appear before the trial Court on 22.01.2018 (the date fixed before the trial Court) for recording their statements. He further submits that neither the complainant nor his son has appeared before the trial Court on 22.01.2018 and a date had been sought by the counsel for the complainant for production of the complainant on the next date of hearing, which is now fixed for 02.02.2018. He, therefore, states that despite an undertaking given by the counsel for the complainant, the complainant and his son having not appeared before the trial Court, the intent is for delay the trial in the light of the fact that the petitioner is in custody. He, therefore, prays that the present petition be allowed and the petitioner be released on bail. Counsel for the petitioner also undertakes that the petitioner would appear on each and every date which is fixed before the trial Court and any default on his part may render the present order inapplicable.

Having considered the submissions made by the counsel for the petitioner and in the light of the fact that despite an undertaking given by the counsel for the complainant in Court on 15.01.2018, non-appearance of the complainant and his son before the trial Court on 22.01.2018 cannot be accepted. The contention of the counsel for the petitioner appears to be correct that the intent is to delay the proceedings especially when the petitioner is in custody.

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In view of the above, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Patiala.

In case the petitioner does not appear before the trial Court after his release, this order shall be deemed to have been withdrawn and he shall be taken into custody.

01st February, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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