IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 32855 of 2018
Date of decision : 13.12.2018

Irshad alias Afsar

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present **:** Mr. M. D. Khan, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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DAYA CHAUDHARY, J. (*Oral*)

Petitioner Irshad alias Afsar has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.258 dated 19.07.2015 under Sections 148, 149, 323, 325, 452, 307, 395, 397, 506, 440, 201 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, registered at Police Station – Tauru, Distt. Nuh (Mewat), during pendency of the trial.

Learned counsel for the petitioner submits that earlier the petitioner was granted anticipatory bail by the trial Court, but during trial he could not appear due to noting down wrong date of hearing and thereafter, warrant of arrest was issued against him. He was declared proclaimed offender by the trial Court. Learned counsel submits that the petitioner did not receive any notice regarding PO proceedings. After getting the information, he himself surrendered before the trial Court on 30.03.2018 and

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since then he is in custody. Learned counsel also submits that all the co-accused have either been released on anticipatory bail or on regular bail.

Learned State counsel has not disputed the custody period undergone by the petitioner and also the fact that after declaring the petitioner PO, he himself has surrendered before the trial Court. It has also not been disputed that earlier the petitioner was released on anticipatory bail and other co-accused have been released either on regular bail or on anticipatory bail.

Heard arguments of learned counsel for the parties and have also gone through the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that earlier the petitioner was released on anticipatory bail but he could not appear before the trial Court because of noting wrong date of hearing; he himself has surrendered before the trial Court on 30.03.2018 and since then he is in custody; other co-accused are either on anticipatory bail or regular bail, no purpose would be served by keeping the petitioner behind the bars. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

13.12.2018 **(DAYA CHAUDHARY)**
sunil yadav **JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

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