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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No.M-47415 of 2017
Date of Decision: 18.01.2018**

Dharmender

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HONBLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. J.S. Hooda, Advocate,
for the petitioner.

Mr. Munish Bansal, DAG, Haryana.

SUDIP AHLUWALIA J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.79 dated 21.02.2016, registered under Sections 399/402/420/467/468/471/120B of the Indian Penal Code and 25/54/49 of the Arms Act at Police Station Surajkund, District Faridabad.

From the impugned order passed by the Ld. Additional Sessions Judge, Faridabad on 29.11.2017, it is clear that the petitioner was already on bail in the case but had failed to appear in Court on a single date (27.10.2017). He thereafter voluntarily surrendered before the Court and sought his release by contending that his absence on the relevant date was on account of a bona fide mistake regarding the date fixed for trial. Ld. Court below however, rejected his prayer after observing that the witnesses present in the Court on 27.10.2017 could not be examined due to his absence.

Be that as it may, considering the long detention suffered by the petitioner and pursuant to his surrender on 29.11.2017 in the Ld. Court below, at this stage, the petitioner, namely, Dharmender s/o Het Ram, is directed to be released on a fresh bail subject to appropriate terms and conditions to the satisfaction of Ld. Trial Court concerned.

It is however, clarified that any further lapses on his part are liable to be dealt very severely in future.

(SUDIP AHLUWALIA)
JUDGE

18.01.2018
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Whether speaking/reasoned : Yes No

Whether Reportable : Yes No