

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

CRM-M No.49943 of 2018

Date of decision: 6th December, 2018

Sunil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Kuldeep Khandelwal, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Sunil in this second regular bail application under Section 439 Cr.P.C. in case bearing FIR No.426 dated 28.12.2017 under Sections 370A/506/120B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Sadar Jind, as brought to the notice of the Court are that the petitioner was allowed bail by this Court vide orders dated 08.05.2018 passed in CRM-M No.18561 of 2018 (Annexure P2) and had, in consequence of these orders, appeared before the trial Court. The petitioner absented before the trial Court on 14.09.2018 and thereafter surrendered on 04.10.2018 and since then is behind bars.

Learned counsel for the petitioner Mr. Kuldeep Khandelwal, Advocate contends that the petitioner had moved an application for seeking exemption from personal appearance but the same was declined and as a consequence of which his bail was cancelled and he was ordered to be arrested through issuance of arrest warrants and as such his absence was not willful and had made request seeking his exemption on exigencies which were declined.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from SI Atma Ram, Police Station Sadar Jind has sought to oppose the grant of bail submitting that if allowed bail the petitioner might again abscond.

Consequent upon his release on bail earlier on the orders of this Court (Annexure P2) and upon his surrender before the trial Court on 04.10.2018 the petitioner has undergone incarceration for a period of more than two months. Trial is not likely to conclude in near future. Thus, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. However, to safeguard the interest of the State, as is sought to be put forth by learned State counsel, it would be in the fitness of things if the petitioner is ordered to be released on regular bail on his furnishing personal bonds in the sum of Rs.50,000/- with two sureties in the like amount to the

satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jind. However,
it is made clear that anything observed herein shall not be construed as an
expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 6, 2018
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No