

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

CRM-M-4296-2019 (O&M)

Date of decision: 04.02.2019

Sumit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vishwajeet, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 161 dated 28.09.2017, under Sections 148, 323, 325 and 302 of the IPC read with Section 149 IPC, registered at Police Station Alewa, District Jind.

Learned counsel for the petitioner submits that petitioner was earlier granted regular bail and was facing trial, however, he absented before the trial Court on 11.01.2019 and his bail/surety bonds were forfeited and immediately thereafter, the petitioner surrendered before the trial Court on 15.01.2019.

A perusal of the order 15.01.2019, passed by the Additional Sessions Judge, shows that on 11.01.2019, three prosecution witnesses, namely Dalwara, Sonu and Dalbir, were present in Court and on account of absence of the petitioner, the statement of the aforesaid witnesses could not be recorded.

Learned State counsel, on instructions from ASI Rajesh, has opposed the grant of bail to the petitioner on the ground that the absence of the petitioner was not *bona fide*, rather it was deliberate as the petitioner wanted to avoid the recording of statement of aforesaid prosecution witnesses on 11.01.2019.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner was earlier on bail and was facing trial and has absented only on one date, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, this will be subject to payment of cost of Rs. 10,000/- to be deposited in the District Legal Services Authority, concerned.

The payment of cost shall be a pre-condition for accepting the bail/surety bonds of the petitioner.

February 04, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No