

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

**CRM-M No.14336 of 2019 (O&M)
Date of Decision: 03.04.2019**

Ved Parkash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Manoj K. Sangwan, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case FIR No.789 dated 14.08.2018 (P-1), under Sections 379-B, 34 of the Indian Penal Code, 1860, registered at Police Station City Ballabgarh, District Faridabad.

The case of the prosecution is that on 14.08.2018 at about 07:00 PM, when complainant-Rahul Chaudhary came to the Automated Teller Machine (ATM) of Axis Bank for conducting the Audit, then he saw two boys were present there. Out of them, one was doing something strange with the ATM and another boy was standing outside. When he asked them about the same, they told that they are from CSS Company and thereafter,

complainant asked them to show their Identity Cards. Upon this, one boy disclosed his name as Rahul and on the pretext of showing their Identify Cards, both had taken the complainant towards an Ecco Car and asked him to sit inside the same. When complainant did not agree, then they started grappling with him and due to that, he sustained injuries on the back of his head as well as neck. Further alleged that one boy (petitioner) had also snatched ₹ 1200/- from pocket of complainant and managed to escape towards Sector-3 after pushing him.

Contends that although the petitioner was released on bail during pending trial vide order dated 23.10.2018 (P-2), but on account of his default on 25.02.2019, bail was cancelled and thereafter, petitioner at his own surrendered before learned trial Court on 08.03.2019 and since then, he is in custody.

Learned State Counsel, on instructions from ASI Shri Ram, has acknowledged the above factual position, but opposed the bail on the ground that petitioner has committed deliberate default and delayed the proceedings.

Heard both sides and perused the paper-book.

Undisputedly, petitioner was released on bail by learned trial Court on 23.10.2018 and since then, he was regularly appearing during trial, but his single default on 25.02.2019, resulted into cancellation of bail. Since there is no other case pending against the petitioner and he has suffered for almost four months and as such, further incarceration would not serve any purpose. Consequently, this Court is left with no option except to release the

petitioner on bail forthwith. Therefore, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that petitioner shall fully co-operate with learned trial Court and shall not commit any such lapse in future.

April 03, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes