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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18489-2019 (O&M)

Date of decision:23.05.2019

RAJESH

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Gahlawat, Advocate, for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

CRM-17313-2019

Prayer in this application filed under Section 482 Cr.P.C. is to place on record copy of charge-sheet dated 09.01.2019 along with zimni orders from 23.10.2018 to 10.04.2019 as Annexures P-4 and P-5, as well as for exemption from filing certified copy/true copy thereof.

For the reasons stated in the application, same is allowed and the documents Annexures P-4 and P-5 are taken on record.

CRM-M-18489-2019

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.229 dated 20.08.2018 registered under Sections 363, 366-A of IPC (Sections 193, 420, 467, 468, 471, 120-B of IPC, Section 3(ii)(v) of SC and ST Act, 1989 and and Section 6 of POCSO Act added lateron) at Police Station City Narwana, District Jind.

Counsel for the petitioner states that challan in the case was presented on 23.10.2018. Prior to the presentation of challan, the petitioner

was on anticipatory bail. However, at the time of presentation of challan, he was admitted on regular bail on furnishing bail bond for a sum of Rs.1 lakh with one surety of like amount. The petitioner had been appearing before the trial Court regularly. However, on 10.04.2019 when the case was fixed before the trial Court, the petitioner could not appear due to breakdown of his car, resultantly, his bail bonds were cancelled and forfeited to the State. He further states that immediately on coming to know that his bail bond has been cancelled, the petitioner appeared before the trial Court at 12 O'clock on 10.04.2019 itself and this fact has duly been recorded in the subsequent order of even date on 10.04.2019 which reads as under:-

*“Present: Shri V.S. Mann, Public Prosecutor for the State.
Accused Rajesh in person.*

Accused Rajesh himself appeared in the court and informed that his non-bailable warrants has ordered to be issued. He is ordered to be taken into custody by Naib Court. From the case file, it is revealed that non bailable warrants of this accused has been issued and his bail bond and surety bond are cancelled and witness present in the court has been discharged. Let Accused be taken into judicial custody and be produced in the court on 15.05.2019, on the date fixed. Pws be summoned for the date fixed.

Date of Order: 10.04.2019

*(Ajay Prashar) Sd/- In English
Additional Sessions Judge, Jind. UID Code HR0107”*

Counsel for the petitioner further states that on account of breakdown of his car he could not appear in the court in time, though he appeared before the court, but slightly late. Petitioner is in custody since 10.04.2019. During the period on which he remained on bail, he has not violated any of the terms and conditions imposed by the trial Court. Petitioner is ready to furnish an undertaking that in future he shall appear in the court regularly.

Learned State counsel does not dispute the submissions made on behalf of the petitioner, however, he states that as petitioner failed to appear before the trial Court on 10.04.2019 in time, his bail bond has rightly been cancelled by the trial Court.

I have heard learned counsel for the parties.

The petitioner was initially on anticipatory bail which was made absolute by the learned Additional Sessions Judge. On presentation of challan, he was admitted on regular bail. It is during the pendency of the trial, the petitioner could not appear on 10.04.2019. Though he appeared on 10.04.2019 itself, but he was late which led to cancellation and forfeiture of bail bond to the State.

Considering the fact that the petitioner is in custody since 10.04.2019 and the trial in the case will take sufficient long time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

23.05.2019

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No