

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

**CRM-M No.37390 of 2019 (O&M)
Date of Decision: 10.09.2019**

Sunil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.143 dated 13.04.2017, under Sections 379/34 of the Indian Penal Code, 1860, registered at Police Station Sector 17/18, Gurugram.

Contentends that although petitioner was granted the concession of bail pending trial by learned Sessions Judge, Gurugram, but on account of some communication gap with learned Counsel, who was representing him before learned trial Court, petitioner could not appear on 08.01.2019 and that led to cancellation of his bail. Also contends that on the very next date of hearing i.e. 12.02.2019, petitioner surrendered before learned trial Court and since then he is in custody. Further contends that there is no other criminal case pending against him.

The above factual position is duly acknowledged by learned State Counsel on instructions from ASI Ravinder, but opposed the bail application.

Heard both sides and perused the paper-book.

There is no dispute that petitioner is in custody since 12.02.2019 and no other criminal case is pending against him, therefore, there is no justification to keep the petitioner behind the bars any more. Consequently, 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.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

September 10, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No