

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

**CRM-M No.41679 of 2019
Decided on: 03.10.2019**

Sunil

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ketan Antil, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0463 dated 30.05.2015, for offence punishable under Section 406 of the Indian Penal Code (in short 'IPC') registered at Police Station Karnal City, District Karnal.

Counsel for the petitioner has submitted that the petitioner was initially granted the concession of anticipatory bail vide order dated 08.07.2016 and was facing the trial, when he absented from the Court proceedings on 03.01.2017. It is further submitted that thereafter, the petitioner was re-arrested on 20.07.2019 and since then, he is in custody.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, though the petitioner is not involved in any other case except an FIR registered under Section 174-A IPC on account of his non-appearance before the

trial Court. It is further submitted that the petitioner remained absent for a long time.

In reply, counsel for the petitioner has submitted that on account of some unavoidable circumstances, the petitioner could not appear before the trial Court and since the offences are triable by the Court of Magistrate, he may be granted the concession of regular bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; the offences are triable by the Court of Magistrate and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail bonds and two sureties to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate and on payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Karnal for delaying the trial.

The payment of costs shall be a pre-condition before accepting the bail/surety bonds.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.10.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No