

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-52338-2019 (O&M)
Date of Decision:-13.12.2019

Sandeep @ Dhaura

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by SI Shiv Charan.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.107 dated 26.7.2015 at Police Station Dhand, District Kaithal under Sections 148, 149, 354, 506, 511, 447 and 285 of Indian Penal Code and Section 25 of Arms Act, wherein offence under Section 307 IPC was deleted later on.
2. The petitioner had earlier been granted regular bail by the Trial Court and had been appearing before the Trial Court but on account of his absence before the Trial Court on 20.2.2019 his bail was cancelled. Subsequently since presence of the petitioner could not be secured, he was declared proclaimed offender on 15.9.2019. Later the petitioner surrendered on 27.9.2019 and has been in custody since then.

3. The learned counsel for the petitioner has submitted that it was on account of some mistaken belief that he could not appear before the Trial Court and that immediately after he was declared proclaimed offender on 15.9.2019, he himself surrendered before the Trial Court within two weeks i.e. on 27.9.2019.
4. Opposing the petition, the learned State counsel has submitted that given the fact that the petitioner absented from the proceedings of the trial and was declared a proclaimed offender, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner had absented from the proceedings of trial and was declared proclaimed offender but it is a case where the petitioner himself surrendered before the Trial Court within two weeks i.e. on 27.9.2019 and has now been in custody since the last about 2-1/2 months. The said custody would stand serve sufficient deterrent to the petitioner to be more careful in future. Further nothing has been shown to this Court that the petitioner is involved in any other case or not or that he had earlier also absented from the proceedings of the trial. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No