

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

202

CRM-M-53915-2019

Date of Decision:20.12.2019

Naveen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Saleem Ahmed, Advocate,  
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.0019 dated 13.01.2019 under Sections 323, 506, 34 IPC, 1860 and Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Women Police Station, Nuh, District Mewat Nuh.

Vide order dated 19.04.2019 passed by learned Additional Sessions Judge, Fast Track Court, Mewat, anticipatory bail granted to the petitioner vide order dated 05.04.2019, was made absolute.

Learned counsel for the petitioner states that though the petitioner was regularly appearing before the court, but on account of some personal problem as he was working as a driver and his truck was in traffic jam, for this reason, he could not appear before the court on 05.11.2019. For his non-appearance, bail bonds were cancelled and warrant of arrest of the petitioner was issued. Thereafter, the petitioner surrendered before the court on 26.11.2019 and applied for regular after his surrender on

26.11.2019 itself. However, vide order dated 05.12.2019, his bail application was dismissed by learned Additional Sessions Judge, Nuh, observing therein that in Nuh Courts, it is generally found that accused do not come present in the Court or come late and this is a case when the accused simply absented himself without any explained reasons and in the absence of any bonafide reasons, the petitioner was held disentitled for bail.

Learned State Counsel does not dispute the custody of the petitioner, however, states that since the petitioner has absented during the trial, he is not entitled for grant of bail.

Heard learned counsel for the parties.

Though, this Court does not find any illegality in the order dated 05.12.2019 passed by learned Additional Sessions Judge, Nuh, but the petitioner being in custody since 26.11.2019 and otherwise he was on bail by virtue of order dated 05.04.2019, which was made absolute vide order dated 19.04.2019, 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, subject to payment of costs of ₹10,000/- to be deposited with the High Court Bar Association.

The petitioner shall also file an affidavit before the learned Additional Sessions Judge that in future he shall not be absented himself from the court proceedings.

The present petition stands disposed of accordingly.

**December 20, 2019**  
**seema**

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No