

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

CRM-M-25733-2020

Date of decision: **8.9.2020**

RAJNESH @ GANDHI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr.R.S. Mamli, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana assisted by
SI Suraj Mal.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner who is facing trial for offence punishable under Sections 147, 149, 307, 323, 506 IPC and Section 25 of Arms Act, Police Bhattu Kalan, District Fatehabad had been granted bail. However on account of his absence before the trial Court on 24.7.2019, the trial Court cancelled his bail. Subsequently, the petitioner was arrested on 10.10.2019 and since then he has been behind bars.
2. Learned counsel for the petitioner has submitted that the absence of the petitioner as on 24.7.2019 was not intentional and was on account of fact that he had fallen ill. The learned counsel for the petitioner has further submitted that absence of the petitioner as on 24.7.2019 was the first

instance of default on his part and that he had been regularly appearing before the trial Court.

3. Opposing the petition, learned State counsel has submitted that since the petitioner has violated one of the conditions of bail, no leniency can be shown in the matter and that the petition deserves to be dismissed.
4. I have considered rival submissions addressed before this Court.
5. Keeping in view the fact that it is not disputed by the learned State counsel that the absence of the petitioner on 24.7.2019 was the first instance of default on his part and that the petitioner has been behind bars since the last about 11 months, the aforesaid detention would serve sufficient deterrent to the petitioner to be more careful in future. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**