

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
203 (PROCEEDINGS THROUGH V.C.)**

CRM-M-26717-2020

Date of decision: 08.10.2020

SOURAV @ SAURABH @ MINI

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Jainainder Saini, Advocate,
for the petitioner.**

**Mr. Apoorv Garg, DAG, Haryana,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Short reply by way of affidavit of the Deputy Superintendent of Police, Law and Order, Hisar filed on behalf of the respondent-State dated 06.10.2020 is taken on record.

Prayer in this application is for grant of regular bail to the petitioner in FIR No. 271 dated 21.03.2017 under Sections 307/506/34 IPC and Section 25 of Arms Act, 1959, registered at Police Station Civil Lines, District Hissar.

It is the contention of the learned counsel for the petitioner that the bail of the petitioner was cancelled because of his non-appearance in Court on 18.12.2019. He contends that the petitioner could not appear in the Court during the proceedings because he was arrested in FIR No. 343 dated 13.12.2019 registered under Section 25 of the Arms Act, Police Station Urban Estate, Hisar and was sent to judicial custody. On the day when the case was listed before the trial Court in FIR No. 271 dated

21.03.2017 (in the present case), he being in judicial custody could not appear before the Court. He asserts that the trial Court has dismissed the present application of the petitioner only on the ground that the petitioner has failed to appear in Court on 18.12.2019. He, thus, prays that the petitioner be granted the concession of bail as it was not an intentional act on the part of the petitioner but beyond his control for the reasons which have been stated above.

On the other hand, learned counsel for the State submits that although in the present case, the petitioner has failed to appear in Court because of he being in judicial custody on 18.12.2019 but the fact remains that he indulged in criminal activities resulting in registration of other cases against him. In one of the said cases, which were registered against him i.e. FIR No. 343 dated 13.12.2019 under the Arms Act, he was arrested and produced before the Court. He, therefore, submits that the petitioner does not deserve the concession of bail.

Having considered the submissions made by the counsel for the parties and on going through the order passed by the trial Court dated 04.07.2020 and keeping in view the facts and circumstances of the present case especially with regard to his absence in Court on 18.12.2019, which was the reason for cancellation of his bail, the present application deserves to be allowed in the light of the fact that the petitioner had not intentionally jumped the bail on 18.12.2019 rather it was because of he being in judicial custody in FIR No. 343 dated 13.12.2019 that he could not appear before the trial Court.

In view of the above, the present application is allowed.

Petitioner is directed to be released on bail on his furnishing

bail/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Hisar.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

October 08, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No