

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

CRM-M-7086 of 2021 (O&M)

DECIDED ON: 18th FEBRUARY, 2021

Kashmir Singh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. M.S. Dalal, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of regular bail in FIR No. 91 dated 23.4.2018, under Sections 148, 149, 341, 307, 427, 506 IPC and Sections 25 Arms Act, registered at Police Station Cheeka, District Kaithal.

The facts necessary for deciding the present petition are that FIR was registered on the allegations that threats to life were given to the complainant Om Parkash. On 23.4.2018 while the complainant was going to Kurukshetra, his car was stopped by SX4 vehicle bearing registration No.HR26-4994. The allegations on the petitioner is that he opened fire upon the complainant and other co-accused damaged the vehicles.

The petitioner was granted bail by the Court concerned. He absented once, later he appeared and was granted bail again. Subsequently there was again a default in appearance, he was declared proclaimed offender. Thereafter he was arrested on 18.1.2020 and is behind the bars

since then.

Learned counsel for the petitioner submits that it was a case of no injury. It was due to some communication gap that the petitioner defaulted in appearing before the Court. The contention is that the petitioner is a business man and is not likely to flee. To show *bonafide* of petitioner, learned counsel for the petitioner offered a cash security of ₹ 5 lakh to be furnished before the trial Court to ensure his presence.

Learned State counsel opposes the prayer for bail. He vehemently argues that the conduct of the petitioner itself is suffice for keeping him behind bars to ensure that the trial is not delayed.

There is no dispute that the petitioner was granted bail but he defaulted twice. The trial Court had to declare him proclaimed offender. However, in such cases, the endeavour is to ensure the presence of accused in the trial so that there is no unwarranted delay in the proceedings. This Court is *prima-facie* satisfied that in case offer made by the petitioner is accepted to ensure his presence in the trial, there would be no reason to deprive his personal liberty.

The petitioner is granted bail subject to his depositing ₹ 5 lakh with trial Court within one month from today. The amount deposited shall be kept in FDR of a nationalized bank and shall be subject to outcome of the trial. It is clarified that in case the petitioner fails to appear before the trial Court as and when required the said amount shall be forfeited.

(AVNEESH JHINGAN)
JUDGE

18th FEBRUARY, 2021

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Whether speaking/reasoned	Yes
Whether reportable	Yes