

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

CRM-M-9871 of 2021 (O&M)
Date of Decision: March 03, 2021

Iliyas and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balraj Gujjar, Advocate
for the petitioners.

Mr. P.P. Chahar, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioners in FIR No.468 dated 08.10.2018, under Sections 186, 224, 225, 353, 307, 34, 411, 385 of the Indian Penal Code and Section 25 of Arms Act, registered at Police Station SGM Nagar, Faridabad, District Faridabad.

Learned counsel for the petitioners *inter alia* would contend that the petitioners were falsely implicated in the aforesaid FIR with the allegations that the petitioners had supplied the arms used by one Vikas Dalal and his accomplices for the commission of the crime. The petitioners were arrested and subsequently released on bail by an order dated 20.07.2019 by the Addl. Sessions Judge taking into account the length of custody and that out of 38 witnesses to be examined, only 5 prosecution witnesses have been examined as on date. It is submitted that the

petitioners herein continued to put in an appearance, however, on account of the fact that their counsel failed to communicate them correct date of hearing, they were unable to join the proceedings on 19.02.2020 and thereafter, on account of lockdown, they did not put in an appearance for consecutive dates fixed. It is also submitted that main accused Vikas Dalal against whom charges under Section 307 of IPC would be applicable, has already been killed by the police in an encounter, while further submitting that the petitioners herein had applied for bail, which stood declined. It is submitted that the petitioners are ready to join the proceedings.

Notice of motion.

At this stage, Mr. P.P. Chahar, DAG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State. He does not deny the fact that the petitioners herein had been allowed regular bail by the court below. It is submitted that one of the petitioners namely Iliyas was subsequently involved in another FIR in U.P. and arrested therein, though now has been released on regular bail. It is argued that the petitioners herein failed to put in an appearance in the court below, despite the fact that this was one of the conditions imposed by the court below.

I have heard learned counsel for the parties and perused the judgments relied upon by learned counsel for the petitioner.

In view of the facts that the petitioners were already on regular bail and could not appear on 19.02.2020 before the trial court due to wrong next date of hearing informed by their counsel, no useful purpose would be served in sending the petitioners behind bars. At this stage, without

commenting on the merits of the case, the instant petition is allowed. Arrest of the petitioners shall remain stayed for a period of ten days from today and in case, they surrender before the trial court within the stipulated period, they shall be admitted to bail by the trial court on their furnishing the adequate personal bonds and heavy surety bonds to its satisfaction. In case, the petitioners herein fail to surrender before the trial court within the stipulated period, any protection granted to them shall stand automatically vacated.

March 03, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No