

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

**CRM-M-10203-2021
Date of Decision : 09.03.2021**

Boli @ Aslam

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 490 dated 18.12.2019 under Sections 365, 376-D and 506 of the IPC and Section 6 of POCSO Act, registered at Police Station Punhana, District Nuh (Mewat), Haryana.

Learned counsel for the petitioner submits that after registration of the FIR, the petitioner was granted concession of bail on 21.05.2020 and he was facing trial.

Learned counsel for the petitioner further submits that on 08.02.2021, the petitioner and his counsel were late by a few minutes to appear before the trial Court and in the meantime, the trial Court had cancelled the bail bonds/surety bonds and issued non-bailable warrants against the petitioner.

Learned counsel for the petitioner further submits that, thereafter, they immediately appeared before the trial Court on 19.02.2021 and applied for fresh bail, however, the same was dismissed by the trial Court vide order dated 25.02.2021.

Learned counsel for the petitioner further submits that a reasonable explanation for non-appearance was given by the petitioner as well as his counsel on 08.02.2021, when the case was fixed and the bail/surety bonds of the petitioner were cancelled.

A perusal of the order dated 25.02.2021, dismissing the bail application of the petitioner, shows that the trial Court found that the reasons given by the petitioner were not satisfactory as the examination of the victim was not conducted on that date on account of absence of the petitioner and in fact the absence was intentionally just to delay the proceedings.

Learned State counsel does not dispute the factual position and submits that the petitioner did not appear intentionally in order to cause delay in conclusion of proceedings.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the fact that petitioner was granted concession of bail, however, on account of his non-appearance before the trial Court on 08.02.2021, his bail/surety bonds were cancelled and thereafter he immediately surrendered before the trial Court on 19.02.2021, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, this will be subject to payment of costs of Rs.5,000/-, to be deposited with District Legal Services Authority, Nuh, Haryana.

09.03.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No