

205

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12985-2021

Date of Decision: 24.03.2021

Parveen @ Miyan

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Sukhveer Kaur, Advocate for
Mr. Nipun Vashist, Advocate for the petitioner.

Mr. Deepak Bhardwaj, D.A.G., Haryana
assisted by Inspector Bharat Bhushan.

AVNEESH JHINGAN, J (Oral):

This petition is filed for grant of regular bail in FIR No. 91, dated 27th June, 2017, under Sections 302, 201, 120-B and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Rewari, District Rewari.

The petitioner was granted bail on 7th January, 2018. His non-appearance before the trial Court resulted in his declaration as a Proclaimed Offender on 3rd June, 2020. Hence, the present petition.

Ms. Sukhveer Kaur, learned counsel for the petitioner contends that due to involvement in other FIR and prevailing COVID-19 situation, the petitioner could not appear before the trial Court and his absence was not intentional. She further submits that a cash security of ₹ 1 lakh would be made before the trial Court to show the *bonafides* of the petitioner.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana vehemently opposes the grant of bail. The contention is that entire endeavour of the petitioner is to delay the trial.

The machinery provisions provided in the Code of Criminal Procedure are to ensure the presence of the accused as and when required during the trial. The idea behind is that there should be speedy conclusion of the trial. The offer made by the petitioner, if accepted, ensures the presence of the accused during the trial.

Considering the facts and offer made by the petitioner, the petitioner is granted bail subject to deposit of ₹ 1 lakh in cash, before the trial Court subject to outcome of the trial Court. The amount deposited shall be kept in an FDR in any nationalized bank. The failure of petitioner to appear before the trial Court, as and when called for, shall result in forfeiture of the amount.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

24th March, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes