

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CRM-M-35280-2021

Date of Decision : September 02, 2021

Raju

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Attri, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.0188 dated 15.04.2017 registered under Section 379-A of the Indian Penal Code, 1860 at Police Station Thanesar Sadar, Kurukshetra.

Learned counsel for the petitioner submits that the petitioner was arrested in connection with the present FIR on 09.06.2017 and was extended the concession of bail on 04.09.2017 but due to some misunderstanding, he could not attend the hearings and was declared proclaimed offender on 06.08.2018. Learned counsel for the petitioner further submits that the petitioner was thereafter arrested on 10.11.2020 and since then he is in custody. Learned counsel for the petitioner further submits that though the petitioner had committed illegality in jumping the

bail but keeping in view the fact that the petitioner has already undergone

approximately 10 months of incarceration after being re-arrested, the petitioner be granted the benefit of bail as the petitioner undertakes to abide by all the conditions of bail and will maintain good conduct in case granted bail.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that once the petitioner has disregarded the conditions of bail, it is likely that the petitioner will repeat the same and therefore, he may not be granted the benefit of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

No doubt, the petitioner has committed illegality by jumping the bail, but he has paid for the same by remaining behind the bars for a period of 10 months after being re-arrested.

Learned counsel for the petitioner submits that the petitioner has realised his mistake and same will not be repeated in case, he is granted bail and will maintain good conduct while on bail.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 02, 2021*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No