

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

**CRM-M-35287-2021 (O&M)
Date of decision: 29.10.2021**

Vivek

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. K.L. Saini, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 711 dated 28.07.2017, registered under Sections 148, 149, 323 and 342 IPC, (Sections 325, 307, 341, 120-B and 34 IPC were added later on), at Police Station City Jind, District Jind.

Learned counsel for the petitioner submits that earlier, regular bail was granted to the petitioner by the learned Additional Sessions Judge, Jind, vide order dated 14.03.2018. The petitioner was regularly appearing before the Court, but on 04.10.2019, he could not appear before the Court as he was not well on that day and ultimately, on 15.02.2020 he was declared a proclaimed offender and was re-arrested on 12.02.2021. He has already undergone a period of more than one year.

Learned State counsel, while vehemently opposing the prayer for

bail, submits that the petitioner is a habitual offender and was declared a proclaimed offender. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and judgments as are passed qua the accused. The non-appearance of the petitioner from the Court was not intentional and now he has been in custody since 12.02.2021. The conclusion of the trial would take a long time, therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

29.10.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No