

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

281

**CRM-M-5064 of 2022
Date of decision :21.03.2022**

Rajesh

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Kuldip Singh, Advocate, for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The prayer in the instant petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in respect of case FIR No.325 dated 11.12.2019 under Sections 148, 307, 435, 120-B read with Section 149 of IPC and Section 25 of the Arms Act, registered at Police Station Cheeka District, Kaithal.

Learned counsel for the petitioner *inter alia* contends that the FIR has been registered on the basis of an event that took place on 10.12.2019. It is stated that as per the FIR, the complainant had a quarrel with the petitioner on account whereof the petitioner is alleged to be nursing a grudge against the complainant. The petitioner along with certain other persons came in two vehicles to the field of the complainant and are alleged to have caused injuries upon the complainant. It is further pointed out that the petitioner was granted

the concession of regular bail in the abovesaid case vide order dated

16.06.2020 by the trial Court. However, eventually when the case was listed on 25.10.2021, the petitioner could not appear before the trial Court on account of death of his grandfather namely Anntu Ram that had taken place on 20.10.2021. It is also pointed out that father of the petitioner had pre-deceased his grand father on 28.07.2012. Hence, being a lone Hindu male member of the family, petitioner had to perform all social, religious and moral duties. He has placed reliance on the death certificate of his father as well as his grandfather. He, however points out that an application for grant of exemption from personal appearance was submitted on 25.10.2021. However, the said application was dismissed by the trial Court and bail bonds of the petitioner were forfeited without taking into consideration the genuine reasons given by the petitioner for seeking exemption for personal appearance. He also points out that petitioner along with his surety had appeared before the trial Court on 07.12.2021 and surrendered. An application for bail moved by the petitioner was thereafter dismissed vide order dated 20.12.2021 by the trial Court. He further makes a reference that his wife is pregnant and pointed out various family circumstances as well.

Learned State counsel points out that there are certain other cases that have been lodged against the petitioner as well. However, he could not dispute the fact that petitioner was granted the concession of regular bail in the instant case.

I have heard learned counsel for the parties. I have also taken into consideration that the petitioner could not appear on the date fixed before the trial Court on account of circumstances beyond his control and

considered as a valid explanation for the absence of petitioner before the trial Court. In any case, the petitioner is in custody for having absented from appearance in the Court on the dates fixed since 07.12.2021. The trial is still at initial stages. In the totality of circumstances, I deem it fit and appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

The petitioner is ordered to be released on bail on his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

Disposed of accordingly.

21.03.2022
anil

(VINOD S. BHARDWAJ)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>