

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226)

CRM-M-16424-2022 (O&M)

Date of decision: - 31.08.2022

Paramjeet alias Jonu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ram Pal Verma, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.16 dated 07.01.2017, under Sections 307, 379-B and 506 of the Indian Penal Code, 1860, registered at Police Station Model Town, Panipat, District Panipat.

Learned counsel for the petitioner has submitted that the petitioner was released on bail on 20.02.2021 by the trial Court and thereafter, he was informed by his counsel that on account of Covid-19, there was no need to appear and thus, vide order dated 15.03.2021, the bail of the petitioner was cancelled and warrants of arrest were issued against him on account of his non-appearance. It is further submitted that on learning the fact that the said order has been passed, the petitioner had surrendered before the trial Court on 14.02.2022 and since then, he is in

custody. It is stated that there are total 11 prosecution witnesses, out of whom, only two have been examined and thus, the trial is likely to take time and has submitted that the petitioner undertakes to appear before the trial Court on each and every date unless his personal appearance is specifically exempted by the Court.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that on 15.03.2021 when the petitioner did not appear, two witnesses were present, but they could not be examined due to his absence and thus, he does not deserve the concession of regular bail.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner was granted regular bail, vide order dated 20.02.2021 by the trial Court and thereafter, as per his case, he was informed by this counsel that on account of Covid-19, there was no need to appear and accordingly, his bail was cancelled vide order dated 15.03.2021 and thereafter, upon learning about the same, the petitioner had surrendered before the trial Court on 14.02.2022 and since then, he is in custody. There are 11 prosecution witnesses, out of whom, only two have been examined and thus, the trial is likely to take time. The investigation is complete and no purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the

concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and also subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is personally exempted by the Court.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

August 31, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No