

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21311-2022

Date of decision : 23.05.2022

Sunil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Ganesh Kumar Sharma, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.324 dated 25.08.2018 registered under Sections 148, 149, 307, 323, 427, 452, 120B IPC and Section 25 of the Arms Act, 1959 at Police Station Charkhi Dadri City, District Charkhi Dadri.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was granted anticipatory bail vide order dated 26.11.2019 (Annexure P-5) by a coordinate Bench of this Court and thereafter the petitioner was appearing but on 05.04.2022 on account of accident of friend of the petitioner, he could not appear and bail granted to the petitioner was cancelled and on 30.04.2022 the petitioner surrendered and since then the petitioner has been in custody. It is further submitted that the petitioner undertakes to appear on each and every date of hearing before

petitioner has also submitted that the petitioner is ready to pay an amount of Rs.10,000/- as costs for the delay occurred in the proceedings on account of his non-appearance.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the order dated 30.04.2022 has been correctly passed as the petitioner had not appeared on 05.04.2022 and had not moved an application for seeking exemption from his personal appearance.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner was granted anticipatory bail vide order dated 26.11.2019 passed by a coordinate Bench of this Court. It is the case of the petitioner that he was regularly appearing before the trial Court and it is only on 05.04.2022, that the petitioner could not appear on account of the accident of his friend. On 30.04.2022, the petitioner had surrendered and since then he has been in custody.

Keeping in view the above said facts and circumstances, the present petition for regular bail 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 subject to the petitioner depositing an amount of Rs.10,000/- with the trial Court within a period of one month from today which the trial Court shall disburse to the injured/complainant Rakesh and also subject to the petitioner giving an undertaking to appear on each and every date of hearing before the trial Court unless his personal appearance is specifically exempted.

It is made clear that in case the petitioner does not deposit Rs.10,000/- before the trial Court within a period of one month from today or does not give the above said undertaking, then the present petition would be deemed to have been dismissed.

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.

(VIKAS BAHL)
JUDGE

May 23, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No