

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 209

CRM-M-23815-2022

Date of decision : 02.06.2022

Rakesh

..... Petitioner

VERSUS

State of U.T.

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Rishma Verma, Advocate, for the petitioner.

Ms.Simsi Dhir, Addl.P.P.UT, Chandigarh.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.42 dated 25.05.2017 registered under Section 498-A IPC at Women Police Station, Sector-17, Chandigarh.

On 25.05.2017 the petitioner's wife got registered against the petitioner an FIR under Section 498-A IPC in which he sought and got anticipatory bail. Thereafter he continued to appear in his trial but for having remained absent in the same on 20.08.2019, his bail was cancelled. Resultantly, non-bailable warrants were issued for his arrest occasioning the filing of a petition by him before the Sessions Court at Chandigarh seeking therein anticipatory bail. On the dismissal of such petition he approached this Court for the same relief which was also declined. Thereafter, the petitioner surrendered before the Trial Court on 20.04.2022 and since that day he has been in custody.

Learned counsel for the petitioner contends that for over two years after the lodging of the FIR in question the petitioner cooperated with the investigation as also appeared before the Trial Court on all dates in his trial; since the petitioner had gone to secure some labour work in Rajasthan he could not come back in time to appear in his trial on 20.08.2019; his non-appearance

was bonafide; after this Court dismissed his plea for anticipatory bail the petitioner further showed his bonafides by surrendering before the Trial Court and that since investigation in the case is complete and the petitioner's trial is in progress further incarceration of the petitioner is not necessary.

Learned State counsel opposes grant of bail to the petitioner on the ground that on an earlier occasion he had absented from his trial.

After the lodging of the FIR the petitioner cooperated with the investigation as also appeared before the Trial Court; after this Court dismissed his plea for anticipatory bail the petitioner showed his bonafides by surrendering before the Trial Court; in a dispute which originates from a matrimonial dispute the petitioner has been in custody since 20.04.2022 and that investigation in the case is complete.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Chandigarh, who shall insist on two heavy sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

02.06.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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