

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-23848 of 2022
Date of Decision: 01.06.2022

Ajay @ Kaan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present:- Mr. Raman Chahar, Advocate
for the petitioner.

Mr. Sumit Gupta, DAG, Haryana.

SURESHWAR THAKUR, J. (Oral)

1. The instant petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in FIR No.196, dated 07.06.2019, under Sections 307 and 506 read with Section 34 IPC and Sections 27, 54, 59 of Arms Act, registered at Police Station Murthal, Sonipat.

2. As unfolded by Annexure P-2, during the course of investigations being under way qua the FIR, the present bail-petitioner became admitted to regular bail, by the learned Additional Sessions Judge, Sonipat.

3. Though a reading of the operative part of Annexure P-2, reveals that, except qua the learned Additional District and Sessions Judge, Sonipat admitting the present petitioner to regular bail, on his furnishing personal and surety bonds in the sum of Rs.50,000/- each, he rather did not impose upon the present bail petitioner any further condition, that as and when, he is required to be, hereafter, making his regular personal appearances before him, he shall cause his personal appearance(s) before the learned trial

Judge concerned.

4. Irrespective of the imposition of the above orders upon the present petitioner, yet the present petitioner was required to be regularly appearing before the learned trial Judge concerned, for facing the charges drawn against him, unless he became validly exempted.

5. However, a perusal of the order made on 06.05.2022, reveals that the present petitioner, did not cause his appearance on 18.11.2021, before the trial Judge, and, it leading to the issuance of non bailable warrants against him. Though, the petitioner, after execution of non-bailable warrants, upon, him, appeared before the learned trial Judge, Sonipat, and, also made an application for his being re-admitted to bail, but the above concession became declined to the present petitioner. The above made order is strived to be quashed and set aside.

6. The non-appearance of the present petitioner was on 18.11.2021. On that date the Sessions case concerned, was listed for stepping into the witness box of the prosecution witnesses, and, who were also stated to be present on the above date. Therefore, unless the petitioner was exempted, he was required to make his presence on the date above, as on the said date the Sessions case was listed for an efficacious purpose.

7. Nonetheless since after execution of non-bailable warrants for ensuring the petitioner causing his personal appearance, before the learned trial Judge, he did make his appearance, and, also asked, with an apposite oral explanation, for the relevant omission, rather for his becoming readmitted to bail. Consequently the appositely given oral explanation by him, before the learned trial Judge, that he was pressed by certain exacting circumstances, to omit to cause his personal appearance, on 18.11.2021,

does appear to be genuine, and, also galvanise an inference, that the petitioner was not intentionally or deliberately avoiding to cause his personal appearance before the learned trial Judge concerned.

8. In consequence it appears that the learned trial Judge has taken a very harsh view, rather in face of a singular absence of the present petitioner before him, rather to not readmit him to bail. In consequence, for ensuring that the liberty of the present petitioner is protected as it has been interfered with, merely for a singular absence on 18.11.2021 of the petitioner before the learned trial Judge.

9. Therefore, impugned order is set aside. Since the petitioner is in custody, thereupon he is ordered to be released, subject to his furnishing personal and surety bonds in a sum of Rs.25,000/- each, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate/Illaq Magistrate concerned, and, also subject to a express condition of his making his regular personal appearance(s) before the trial Judge unless validly exempted.

10. Disposed of.

(SURESHWAR THAKUR)
JUDGE

June 01, 2022

rimpall

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No