

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

CRM-M-25629 OF 2022

DATE OF DECISION: 13.07.2022

Jitender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. K. Yadav, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

This is second foray of the petitioner seeking regular bail in case FIR No. 20 dated 20.01.2019 registered under Sections 458/380/511 IPC (Section 458 IPC deleted and Section 459 IPC added later on) at Police Station Sadar Rewari, District Rewari.

2. Per FIR, on the intervening night of 19/20.01.2019, at about 10.30 p.m., petitioner along with co-accused trespassed the house of complainant. Allegedly, they were having *lathis*, *danda*, rods etc. in their hands at that time. It is stated that they also caused grievous injuries to complainant Gurvinder and Daljeet and also attempted to commit theft in the house of complainant.

3. Learned counsel for the petitioner submits that petitioner was falsely implicated in the case as he has not been named in the FIR. He was arrested on 13.02.2020 and was granted regular bail by this Court vide order dated 19.06.2020 passed in CRM-M-14099 of 2020. He further contends that he could not appear on 08.03.2022 as he went to his native village in Uttar Pradesh to attend funeral of his maternal grandmother. He also moved application for exemption from his personal appearance which was declined by the trial Court vide order dated 08.03.2022 (Annexure P-3). He himself surrendered on 05.05.2022 after returning

from his native village and applied for regular bail which was dismissed vide order dated 17.05.2022 passed by learned Additional Sessions Judge, Rewari.

4. Learned counsel further contends that absence of the petitioner is not intentional. He was regularly appearing before the trial Court and it is only one date i.e.08.03.2022, he could not appear. He moved appropriate application for exemption, but the same was dismissed. He undertakes that petitioner would continue to appear on each date of hearing without default in future.

5. On the other hand, learned State counsel on instructions from ASI Kamal Singh submits that petitioner is resident of Uttar Pradesh and if released on bail, there is every likelihood of his evading the trial.

6. I have heard learned counsels for the parties and have gone through the case file.

7. Petitioner is in custody since 05.05.2022. Petitioner's absence was not intentional as he moved application for exemption on the same very date. Conclusion of trial will take some time as out of 21 prosecution witnesses, none has been examined so far.

8. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. It is, however, made clear that in case the petitioner is found involved in any other FIR while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

JULY 13, 2022
Shalini

(ARUN MONGA)
JUDGE

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