

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-34987-2022 in/and
CRM-M-37041-2022
Date of Decision: 18.10.2022

ARMAN KHAN

.....Petitioner

Vs.

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sudesh Sahi, Advocate for the petitioner.
Mr. Karan Garg, AAG, Haryana

VIVEK PURI, J. (ORAL)CRM-34987-2022

This is an application for placing on record copy of orders dated 06.05.2021 passed by the trial Court, Annexure P.7.

The same is allowed to be taken on record. Registry is directed to tag the same at the appropriate place.

Disposed of.

CRM-M-37041-2022

Custody certificate of the petitioner has been circulated today and the same is taken on record.

The petitioner is seeking regular bail in the case bearing FIR No.265 dated 25.07.2019, under Sections 376,452,506 of IPC and Section 6 of POCSO Act (Annexure P.1) registered at Police Station Kundli, District Sonipat.

At the earlier instance, the petitioner was granted regular bail in terms of order dated 06.05.2021 passed by the learned trial Court. The petitioner had absented from the proceedings in the trial Court on 03.01.2022. Consequently warrants of arrest were issued against the petitioner. The petitioner surrendered before the trial

Court on 25.01.2022 and since then he is in custody.

Learned counsel for the petitioner contends that the petitioner had met with an accident and consequently he could not appear on 03.01.2022 in the trial Court. An application for exemption from personal appearance was also moved in the trial Court but exemption was not granted to the petitioner as the application was not supported with any medical document.

Learned State counsel has opposed the bail application only on the score that the petitioner has misused the concession of bail. It has also been stated that all the prosecution witnesses have been examined but now two witnesses have been recalled on the receipt of the export of DNA.

The petitioner was granted regular bail by the trial Court in terms of order dated 06.05.2021. The petitioner had absented on 03.01.2022 during the course of proceedings in the trial Court. The reason assigned for non appearance is to the effect that he had met with an accident. The petitioner had surrendered in the trial Court on his own within a period of about 3 weeks. The petitioner is in custody for a period of more than eight months after he had surrendered in the trial Court. The petitioner has undergone sufficient incarceration for the lapse on his part in absenting from the proceeding in the trial Court. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed accordingly.

18.10.2022
priyanka

(VIVEK PURI)
JUDGE

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