

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

CRM-M-35755-2022

DATE OF DECISION: 23.08.2022

Alim

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Munfaid Khan, 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.523 dated 01.12.2012 registered under Sections 186, 332, 353, 307, 420, 120-B of IPC, Section 25 of Arms Act, 1959, Section 3 (2) of Prevention of Damage to Public Property Act and Section 4A/8 of Prevention of Cow Slaughtering Act, 1972 at Police Station Dharuhera, District Rewari.

2. Per FIR, on 01.12.2012, a police party headed by ASI Sanjay Kumar received secret information about alleged smuggling of cows from Rajasthan to Mewat, in a vehicle bearing No.HR-27-5460. It was also informed that the aforesaid vehicle is escorted by a pick up vehicle being driven by Roojdar @ Chora and Sammu. Barricades were erected to intercept the said vehicles. On being signalled to stop, drivers of the vehicles tried to run over the police party, damaged the government vehicles and tried to flee. Other occupants of the pick up vehicle opened

fire on the police and there was exchange of fire shots by the police in self defence. The police nabbed Sammu and Roojdar @ Chora at the spot. They disclosed the names of persons sitting in truck as Rahish, Rau and Alim (present petitioner).

3. Learned counsel for the petitioner submits that petitioner had earlier approached this Court vide CRM-M-26243-2020 for granting regular bail. Vide order dated 16.09.2020 of this court he was granted bail. Thereafter, petitioner has been attending the trial court proceedings on each and every date. He submits that petitioner is a truck driver by profession and on one fateful court hearing had to go to Bangalore with consignment and while coming back the vehicle broke down. Resultantly petitioner got held up and was unable to attend the Court on 20.07.2022, leading to arrest warrant/cancellation of his bail by the trial court.

4. Learned counsel further contends that absence of the petitioner was not intentional. He was regularly appearing before the trial Court and it is only one date i.e. 20.07.2022, he could not appear. He had even moved appropriate application for exemption, but the same was dismissed. Consequently, the warrant of arrest against petitioner was issued to secure his presence for 02.08.2022. On 02.08.2022, the petitioner surrendered himself before the learned trial Court. 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 opposes the bail plea. He submits that earlier petitioner was declared a proclaimed offender and there is every likelihood that he will again jump bail.

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

7. Petitioner is in custody since 02.08.2022 when he surrendered himself before the trial court. Petitioner's earlier absence does not seem intentional, as he had moved application for exemption on the same very date and, perhaps under legal advice was sanguine that he would be permitted to be represented through counsel on that day. Conclusion of trial will still take some time. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

8. In view of the above and without commenting on the merits of the case, the instant petition is allowed.

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 Magistrate, as the case may be.

August 23, 2022
vandana

(ARUN MONGA)
JUDGE

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