

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-46728-2022 in/and
CRM-M-43960-2022 (O&M)
Date of Decision:- 07.12.2022

Sonu @ Sone @ Tek Chand

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. M.D. Khan, Advocate, for the petitioner.

Mr. Abhinash Jain, DAG, Haryana,
assisted by SI Chandan Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-46728-2022

In view of the reasons mentioned in the application, the same is allowed and the matter is preponed from 15.3.2023 and is taken on Board today itself.

CRM-M-43960-2022 (O&M)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 347, dated 24.7.2018, Police Station Hodal, District Palwal, under Sections 148, 149, 323, 324, 326, 307, 341, 506, 427 and 120-B IPC.
2. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and he had in fact been granted bail by the trial Court vide order dated 28.1.2021 (Annexure P-3) and had been regularly appearing before the trial Court but on account of wrong

impression regarding date, he could not appear before the trial Court on 21.7.2022 and on account of which his bail was cancelled and the matter was adjourned to 15.9.2022. Learned counsel has submitted that on the very next date i.e. on 15.9.2022, he himself surrendered before the Court as is evident from a copy of order dated 15.9.2022 (Annexure P-4) passed by the trial Court. It has thus been submitted that keeping in view that the aforesaid absence was the first instance of default on his part, the petitioner deserves to be released on bail.

4. Opposing the petition, learned State counsel submits that since the petitioner had violated the condition of bail he does not deserve any leniency.
5. This Court has considered the rival submissions.
6. Having regard to the fact that prior to the absence of the petitioner from the trial Court on 21.7.2022, he had been regularly appearing and even after cancellation of bail on 21.7.2022, he appeared before the trial Court on the very next date i.e. on 15.9.2022 and now has been behind bars since the last about 3 months, a lenient view can be taken having regard to the fact that his absence on 21.7.2022 was the first instance of default. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

07.12.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No