

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-57244-2022
Decided on :14.12.2022

Jaikam

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 450 dated 03.09.2019 registered under Sections 3, 11, 13(1) (2) HGS/GS Act, 2015 and Sections 11, 59, 60 of the Animal Cruelty Act, 2015 at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner has submitted that the petitioner was granted regular bail vide order dated 27.04.2020 by the Sessions Judge, Palwal and was regularly appearing and thereafter, on 25.03.2022, he could not appear since he was suffering from Typhoid and thereafter was arrested in another FIR and was produced on production warrant in the present case on 30.09.2022 and since then the petitioner has been in custody. It is further submitted that the petitioner undertakes to appear on each and every date except the date on which his personal appearance is specifically exempted. It is contended that the petitioner is also ready to deposit an amount of Rs.10,000/- with the Poor Patient

Welfare Fund, PGIMER, Chandigarh within a period of 2 weeks from today.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner was well aware of the date in the case and had willfully absented himself on 25.03.2022 and is involved in one more case and thus, he does not deserves the concession of regular bail.

Learned counsel for the petitioner has rebutted the said argument and submitted that as per settled law, it is the facts of the present case which are required to be considered for the purpose of deciding the present bail application. For the said proposition, learned counsel for the petitioner has relied upon judgment dated 16.01.2012 passed by the Hon'ble Supreme Court in Criminal Appeal No.159 of 2012 titled as ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and others*** 2012 (2) SCC 382 reference has been made to the relevant portion of paragraph 6 which is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the above said facts and circumstances, moreso, the fact that the petitioner was granted regular bail by the Sessions

Judge, Palwal on 27.04.2020 and as per the case of the petitioner, he was regularly appearing and could not appear on 25.03.2022 on account of the fact that he was suffering from Typhoid and is now in custody in the present case since 30.09.2022, the present petition for regular bail is allowed and the petitioner is ordered to be released on bail on his furnishing bail/ surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to the petitioner depositing an amount of Rs.10,000/- within a period of two weeks from today, with the Poor Patient Welfare Fund, PGIMER, Chandigarh and also subject to the petitioner giving an undertaking to appear on each and every date of hearing before the trial Court unless his personal appearance is specifically exempted.

It is made clear that in case the petitioner does not deposit the amount of Rs.10,000/- in the Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of two weeks from today or does not give the above said undertaking, then the present petition would be deemed to have been dismissed.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

14.12.2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No