

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 5682-2023 (O&M)
Date of Decision: 19.04.2023

Mursleen

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 313 dated 17.12.2019, under Sections 397, 34 and 120-B IPC (later on added Section 120-B IPC) registered at Police Station Chhapar, District Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner is in custody since 20.02.2020. He submits that the petitioner, who was not named in the FIR and was granted regular bail by the Additional Sessions

Judge Yamuna Nagar vide order dated 15.07.2020 and was facing trial. But on 06.09.2022, the petitioner being unwell intimated his counsel to move an application for exemption but his counsel did not appear and thereafter, the counsel called him on the wrong dates and he missed the trial. Consequent thereto, the trial Court cancelled the bail of the petitioner and forfeited his bail bonds and was again arrested on 05.01.2023. He further submits that the absence of the petitioner was purely unintentional and he is on bail in all cases and the challan stands presented and out of total 23 witnesses, only 01 has been examined and conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate along with reply has been filed by the respondent-State, which are taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, does not dispute the fact that the challan stands presented and the petitioner is on bail in all cases pending against him.

Petitioner is in incarceration since 05.01.2023.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

19.04.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>