

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-6907-2023

Date of Decision.:05.07.2023

Dev Raj @ Budha @ Vicky
Vs.

.....Petitioner

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Lukesh Kumar, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C in case FIR No.434 dated 01.10.2016 registered under Sections 307/34 of the IPC and Section 25/54/59 of Arms Act registered at Police Station Gannaur, District Sonipat.

2. It is contended by learned counsel for the petitioner that petitioner had been allowed regular bail by the Court of learned Additional Sessions Judge, Sonipat vide order dated 08.12.2017 (Annexure P-3). Petitioner was regularly appearing during trial. He was represented by Shri S.K. Tyagi, Advocate. Petitioner last appeared before the Trial Court on 02.03.2022 and matter was adjourned to 05.04.2022. However, learned Presiding Officer being on leave on 05.04.2022, so file was taken up on the previous date i.e. on 04.04.2022 and was adjourned to 17.05.2022.

3. Learned counsel contends that petitioner was never informed of

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the next date. In the meantime, his counsel Shri S.K. Tyagi expired and petitioner was not informed of the next date of hearing. On 17.05.2022, bail of the petitioner was cancelled.

4. Learned counsel further contends that immediately on coming to know about the cancellation of bail, petitioner surrendered before the Trial Court on 29.07.2022 and ever since then he is in custody.

5. Custody certificate has been placed on record by learned State counsel.

6. Having regard to the circumstances as above brought to the notice by learned counsel for the petitioner, which is also evident from the custody certificate revealing that petitioner is in custody since 29.07.2022, but without commenting anything on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

July 05, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No