

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-9060-2023 (O&M)
Date of Decision : February 27, 2023

Naveen

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Atul Yadav, Advocate, for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-8369-2023

As prayed for, the application is allowed.

CRM-M-9060-2023

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.101 dated 22.05.2021 registered under Sections 302, 118 and 120-B of the IPC and Sections 25/54/59 of the Arms Act at Police Station Sector-6, Dharuhera, District Rewari.

Learned counsel for the petitioner argues that the petitioner was granted regular bail by this Court while passing order in CRM-M-41148 of 2021 on 06.10.2021 but inadvertently thereafter, the petitioner absented

himself from the proceedings before the trial Court on a particular date of

hearing and keeping in view the restrictions imposed while accepting the bail bonds, the regular bail granted to the petitioner was cancelled and the petitioner was again arrested on 03.11.2022 and the petitioner is behind the bars since then. Learned counsel for the petitioner submits that once the petitioner was granted the concession of regular bail on merits, the same was cancelled only due to the absence of the petitioner to attend the hearing in trial Court on a particular date, the benefit of regular bail may kindly be extended to the petitioner as the petitioner undertakes not to violate any terms and conditions of the bail bonds henceforth and the petitioner undertakes before this Court to attend all the proceedings of the Court unless and until he is granted exemption by the competent Court of law prior to the date of hearing.

Notice of motion.

Ms. Vibha Tewari, Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State does not dispute the fact that the petitioner had already been granted the concession of regular bail by this Court, which was cancelled due to the act that the petitioner absented himself from the Court on a particular date.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though it was incumbent upon the petitioner to adhere to the terms and conditions of the bail bonds and to attend the proceedings of the trial Court during the hearing but as the petitioner has already undergone more than four months of incarceration after being arrested again on 03.11.2022 due to the default in attending the trial Court proceedings, the

said incarceration is sufficient to be taken into account so as to grant concession of regular bail to the petitioner especially when the petitioner has undertaken before this Court that henceforth he will not violate any terms and conditions of the bail bonds and will attend the proceedings before the trial Court on the dates required unless and until he has been granted exemption from the said hearing prior to the date fixed.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 27, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No