

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-9814-2023

Date of Decision : March 01, 2023

Neeraj

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ankit Chahal, Advocate, for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

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.92 dated 05.03.2021 registered under Sections 34 & 379-B of the Indian Penal Code, 1860 at Police Station Sonipat Sadar, District Sonipat, Haryana.

Learned counsel for the petitioner argues that the petitioner was granted the concession of regular bail by this Court while passing order in CRM-M-49704-2021 titled as Neeraj vs. State of Haryana on 02.12.2021 but thereafter inadvertently, the petitioner absented himself from the proceedings before the trial Court on a particular date of hearing i.e. 07.10.2022 and the trial Court cancelled the bail bonds of the petitioner.

Learned counsel for the petitioner submits that non-appearance of the petitioner before the trial Court on 07.10.2022 was due to

miscommunication between the petitioner and his lawyer, who had informed the wrong next date of hearing to the petitioner as 25.01.2023 and when he appeared before the Court on the said date, he realized that there was some communication gap, hence, the petitioner himself surrendered before the authorities concerned and is behind the bars for the last more than one month.

Learned counsel for the petitioner submits that he has instructions from the petitioner that in case, he will be extended the concession of regular bail, he will comply with the terms and conditions imposed by the trial Court while accepting the bail bonds and further, the petitioner will not absent himself from proceedings of the trial 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 submits that the petitioner has violated the bail bonds and therefore, his bail bonds were rightly cancelled and he was put behind the bars.

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

Keeping in view the fact that by giving the benefit of doubt to the petitioner that non-appearance of the petitioner before the trial Court on 07.10.2022 was only due to communication gap between him and his lawyer, the prayer for the grant of regular bail is accepted especially when learned counsel for the petitioner has undertaken before this Court

henceforth the terms and conditions of the bail bonds will not be violated and the petitioner will attend the proceedings before the trial Court without fail 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.

March 01, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No