

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12445 of 2023 (O&M)

DECIDED ON: 20th March, 2023

Ravi

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rajnikant Upadhyay, Advocate for petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (ORAL)

This is second petition seeking regular bail in case of FIR No. 41 dated 25.1.2020, under sections 148, 149, 323, 324 IPC (Sections 506 and 307 IPC added lateron) registered at Police Station Sadar, Sonapat.

The petitioner was granted bail by this Court on 25th March, 2021 by passing the following order:

"The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of regular bail in FIR No. 41, dated 25th January, 2020, under Sections 148, 149, 323 and 324 of IPC (Sections 506 and 307 of IPC added later on), registered at Police Station Sadar, Sonapat.

The FIR was at the behest of Manjeet. It was alleged that on 24th January, 2020, the complainant along with Pawan was sitting in the village school. He received a phone call from an unknown number, the caller asked him to come outside the school. On coming out, they saw 5/6 boys coming on two bikes who started throwing bricks upon them. One boy Jaideep gave knife blow on back of the complainant and also to Pawan. Rest of the boys gave fist and kick blows.

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Mr. Rajnikant Upadhyay, learned counsel for the petitioner submits that the petitioner was not named in the FIR. He was nominated on the basis of the disclosure statement of Jaideep. The only role attributed is of giving kick and fist blows. The petitioner is in custody since 24th September, 2020 and challan stands presented.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana on instructions from ASI Sanjeev Kumar submits that charges have been framed under Section 307 of IPC.

The petitioner was named in the disclosure statement. As per allegations in the FIR, he had given fist and kick blows. The stab blows are attributed to Jaideep. No recovery is to be made and investigation is complete. The petitioner is not involved in any other case.

Considering the facts of the case, it would not be appropriate to deprive the petitioner of personal liberty.

The petition is allowed. The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

It is clarified that observations made herein above shall not be construed as an expression of opinion on the merits of the case."

The petitioner failed to appear before the trial Court on 25th November, 2022. His bail bonds and surety bonds were cancelled and forfeited, however, he appeared on the next date fixed.

Learned counsel for the petitioner submits that due to communication gap, the petitioner could not appear on 25th November, 2022. He further submits that to show his *bonafide*, the petitioner is ready to give cash security of Rs.20,000/-

Learned State counsel opposes the prayer.

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Without commenting on the merits of case and considering that it was the first default of petitioner for which the explanation is that there was communication gap, the petitioner is granted bail subject to deposit of cash security of Rs.20,000/- to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned. The amount so deposited shall be subject to outcome of trial and be kept in FDR in a nationalized bank. In case of failure of petitioner to appear before the trial, the amount so deposited shall be forfeited.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, pending application, if any is rendered infructuous.

20th March, 2023

reema

(AVNEESH JHINGAN)
JUDGE

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