

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-21661-2023
Date of decision: 25.07.2023**

Manish **....Petitioner.**

Versus

State of Haryana **....Respondent.**

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vishal Yadav, Advocate, for the petitioner.

.....

SANJIV BERRY, J.

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 0221 dated 17.10.2019 under Sections 379-B and 34 IPC of 1860 (Sections 201, 412 IPC added lateron), registered at Police Station Sector-6 Dharuhera, District Rewari (Annexure P-1).

2. It has been contended by learned counsel for the petitioner that vide order dated 18.05.2020 passed by learned Additional Sessions Judge, Rewari, (Annexure P-2), the petitioner had been granted the concession of regular bail and thereafter he had been regularly appearing before the trial Court. However, on 14.09.2021, he could not appear due to there being no communication with the learned counsel representing the petitioner before the trial Court due to advent of COVID 19 Pandemic.

CRM-M-21661-2023

-2-

3. It is the further contention of learned counsel for the petitioner that in pursuance thereto, non-bailable warrants had been issued against the petitioner and he was arrested on 08.12.2022 and since then he is in custody. He further submits that the bail application filed by the petitioner has been dismissed vide order dated 11.01.2023 (Annexure P-3), passed by learned Additional Sessions Judge, Rewari.

4. On the asking of the Court, Mr. Surinder Singh, Assistant Advocate General, Haryana, accepts notice on behalf of State-respondent and on instructions from ASI Manoj Kumar, informs the Court that the petitioner is in the habit of absenting from the proceedings and if granted bail he will again abscond.

5. Learned State counsel further contends that two other FIRs have also been registered against the petitioner, however, he admits that the petitioner has been granted the concession of bail in those cases.

6. Arguments heard and record perused.

7. After considering the rival contentions and going through the record, it transpires that the petitioner was booked in case FIR No. 0221 dated 17.10.2019, registered under Sections 379-B and 34 IPC (Section 201 and 412 IPC added lateron) at Police Station Sector 6 Dharuhera, District Rewari, and he was granted concession of bail by learned Additional Sessions Judge, Rewari, vide order dated 18.05.020 (Annexure P-2). A perusal of the zimini orders, mentioned in the petition, reveal that

CRM-M-21661-2023

-3-

the petitioner had been appearing in the trial Court till 14.09.2021, when he absented from the proceedings and consequently the non-bailable warrants had been issued against him. In pursuance thereto, he was arrested on 08.12.2022 and since then he is in custody.

8. Keeping in view the fact that the conclusion of the trial will take sufficient long time and no purpose would be served to detain the petitioner further in custody, without commenting on merits of the case, the petitioner is ordered to be released on bail on his furnishing bail bonds to the satisfaction of trial Court.

9. The petitioner shall give the undertaking that he will not to leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

11. Petition stands allowed.

(SANJIV BERRY)
JUDGE

25.07.2023
preeti

i)	Whether speaking/reasoned?	Yes/No
	Whether reportable?	Yes/No