

207

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 39557 of 2023

Date of decision:- 06.10.2023

AJAY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

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SANJIV BERRY, J. (Oral)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
315	17.11.2020	341, 395, 397, 120-B IPC and 25 of Arms Act.	Kaithal Sadar District Kaithal.

2. In *nutshell* the case of the prosecution is that on 17.11.2020 when the complainant Anil Kumar was going along with his driver in his car after taking a loan of ₹10,00,000/- from his relative Vijay Goyal then at 08:00 pm when they reached near Parvati Brick Klin, village Baba Ladana

then a white colored Brezza car intercepted and 3 persons stepped out of it, and out of which 2 were having revolver and they snatched the cash along with mobile phone and ran away.

3. It is *inter alia* contended by the learned counsel for the petitioner that the petitioner is facing trial in the aforesaid case while on bail but on 01.05.2023 he did not appear in the trial Court, leading to cancellation of bail and issuance of warrant of arrest. He surrendered in Court on 12.07.2023 and since then he is in custody. He submits that the petitioner is a poor person and the absence of petitioner was not intentional. He further contended that even the witness examined by the prosecution including the complainant has not rendered any support to the prosecution and as such he prays for grant of bail.

4. Per contra learned State counsel submits that the petitioner has been habitual of absenting himself from the proceedings of case and has earlier also misused the concession of bail thrice and as such he is not entitled for concession of bail.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner after having been arrested in the aforesaid case was granted concession of bail. It is not disputed on earlier occasion that the petitioner had absented from proceedings but it is also fact that he had been given concession of bail by learned trial Court itself. As per the petitioner, he was absent from 01-05-2023 which was not intentional and after issuance of nonailable warrants, he had surrendered in Court on 12.07.2023 and since then he is in custody. It is not disputed that the

complainant of the case has not rendered any support to the prosecution against the petitioner. The completion of trial will take sufficient time and in these circumstances no purpose would be served by keeping the petitioner in custody any longer.

6. Resultantly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.10.2023

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