

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-45312-2023

Date of decision: 15.09.2023

Paramjeet @ Paramjeet Singh @ Kala

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Suman Beniwal, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.521 dated 08.09.2016 under Sections 452/285/506/34 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station City Ratia, District Fatehabad.

2. Learned counsel for the petitioner submits that after the petitioner was granted the concession of bail pursuant to the registration of the FIR in question, he had been regularly appearing before the Trial Court, however, on one date i.e. 31.10.2022, he was unable to appear for genuine reasons on account of his wife delivering a child, who died within 03 days of his birth. In support, learned counsel has drawn the attention of this Court to Annexure P-6, which is the death certificate of his child. Learned counsel submits that on account of absenting himself from the proceedings, he was declared a proclaimed offender vide order dated 27.03.2023, however, soon thereafter he appeared and surrendered before the Trial Court on 11.05.2023. Learned counsel submits that the petitioner has clean antecedents as he has no other criminal case registered against him. It

has also been submitted that since investigation in the case in hand is complete and charges have also been framed, his further incarceration would serve no useful purpose moreso, since as many as 10 prosecution witnesses have been cited and none of them have been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute that it was only on one date that the petitioner absented from the Court proceedings. He has also not been able to dispute on instructions that his new born baby died within 03 days during the same period when he absented himself from the Trial Court.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has now been in custody since 11.05.2023. As not disputed by the learned State counsel that the petitioner absented himself only on one date i.e. 31.10.2022 and that too for genuine reasons as his new born child had died within 03 days of his birth. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.09.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No