

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47557-2023
Date of decision: 11.10.2023

Parmod.....Petitioner.

Versus

State of Haryana....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Jagjeet Beniwal, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR (Annexure P-1).

FIR No.	Dated	Sections	Police Station
324	25.08.2018	148, 149, 307, 323, 427, 452 IPC Section 25 of the Arms Act Section 120-B added lateron)	P.S. Dadri City, District Charkhi Dadri

2. It has been contended by learned counsel for the petitioner that the petitioner was granted bail in the aforesaid FIR vide order dated 06.09.2019 (Annexure P-3) passed by this Court in CRM-M-29732-2019 and thereafter he had been regularly appearing in the Trial Court. He

contends that on 22.08.2023, the petitioner had to go out of station and had moved an application seeking exemption through his counsel before the learned Additional Sessions Judge, Charkhi Dadri, seeking exemption for the said date in case No. SC/159/2018 titled '*State of Haryana vs. Akshey and others*', arising out of the aforesaid FIR but the learned Trial Court dismissed the said application; cancelled the bail and ordered issuance of non-bailable warrants of arrest qua the petitioner.

3. Learned counsel for the petitioner further contends that, thereafter, the petitioner had surrendered in the Court on 13.09.2023 and since then he is in custody. As such he prays for grant of regular bail.

4. Learned State counsel, on the other hand, has not disputed the factual position and has submitted that since the petitioner has misused the concession of bail, he is not entitled to any such relief.

5. After hearing the respective submissions and perusing the record, it transpires that so far as the factual position is concerned it is not disputed that the petitioner was granted concession of bail vide order dated 06.09.2019 (Annexure P-3) in the aforesaid FIR and thereafter he had been regularly appearing in the Trial Court. It is evident from the order dated 22.08.2023 (Annexure P-10) passed by learned Trial Court that the petitioner had moved an application seeking his exemption for that date through his counsel on the pretext that he had to go out of station but the same was declined; his bail was cancelled and the petitioner was ordered to be served through warrants of arrest for 20.09.2023. It is also not disputed

that the petitioner had surrendered in the Court on 13.09.2023 and since then he is in custody.

6. 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.

7. 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.

8. 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.

9. Petition stands allowed.

11.10.2023
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(SANJIV BERRY)
JUDGE

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