

106+227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-51931-2023 in/and
CRM-M-47955-2023
Date of Decision: 18.12.2023

Sheru ...Petitioner

vs.

State of Haryana ...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Vivek Singla, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

CRM-51931-2023

1. Application is allowed as prayed for. Annexure P-6 is taken on record.

CRM-M-47955-2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.0630 dated 22.11.2021 registered under Sections 379-A of IPC, 1860 (offence under Section 201 IPC added later on) at Police Station Sirsa City, District Sirsa.

2. Learned counsel for the petitioner contends that the petitioner was granted the concession of regular bail by the trial Court on 10.03.2022 (Annexure P-2). The petitioner furnished the bail bonds on 15.03.2022 and the case was adjourned to 23.05.2022. However, on 16.11.2022, the petitioner did not appear before the trial Court and his bail was cancelled and bail bonds and surety bonds were ordered to be forfeited to the State. Further, non-bailable

warrants were issued against the petitioner. Learned counsel further submits that the petitioner is now in custody since 18.07.2023 i.e. for almost 5 months and the petitioner is ready to appear on each and every date of hearing before the trial Court. He further undertakes to abide by all the conditions, which might be imposed on him by the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had intentionally absented during the course of trial and there is reasonable apprehension that he may again evade the process of law. She further submits that even a proclamation was issued against the petitioner, however, he was yet to be declared as proclaimed person.

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

5. The petitioner was granted the concession of bail by the trial Court on 10.03.2022 (Annexure P-2). Thereafter, the petitioner had appeared before the trial Court. However, he absented on 16.11.2022. Due to the non-appearance, the warrants of arrest were issued against him and he was finally arrested on 18.07.2023. Now the petitioner is in custody for the last about 5 months and no purpose would be served by further detaining him behind bars, at this stage.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist on two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.*
- (ix) *The petitioner shall also file an affidavit before the trial Court that he shall appear before the trial Court on each and every date of hearing and shall not remain absent on any date of hearing, without seeking prior permission of the trial Court.*

18.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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