

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(207)

CRM-M-59693-2022

Date of Decision: 04.01.2023

Satish

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. M.S. Rana, Advocate for the petitioner.

Mr. Kirpal Singh, AAG, Haryana.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.372 dated 22.9.2016 under sections 395, 397, 34 IPC, registered at Police Station, Pataudi, District Gurugram.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case. He submits that the petitioner was granted bail by the learned Trial Court vide order dated 9.10.2018 and thereafter he was regularly appearing before the Trial Court, however, he failed to appear on 20.7.2022 due to miscommunication and thus his bail was cancelled and bail bonds were forfeited. Thereafter, petitioner was arrested on 29.11.2022. Counsel submits that the absence of the petitioner was not intentional and hence his bail was wrongly cancelled by the learned Trial Court. Counsel submits that though petitioner is involved in one more case but he is on bail in that case. He submits that in the facts and circumstances of the case, petitioner deserves to be granted benefit of bail.

On the other hand, learned State counsel on instructions from ASI Ajit has opposed the submissions made by counsel for petitioner. He submits that the petitioner did not adhere to the conditions of the bail order granted by the learned Trial Court and he jumped the bail and the same was therefore cancelled. It is submitted that the petitioner was arrested after about 4 months i.e. on 29.11.2022. It is further submitted that petitioner is involved in another case of the similar nature in case FIR No.397 dated 26.9.2016. He submits that out of the total 16 prosecution witnesses 7 have already been examined.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Evidently, petitioner was granted bail vide order dated 9.10.2018 by the learned Trial Court, however, he failed to appear on 20.7.2022 and his bail was cancelled by the learned Trial Court. Thereafter, petitioner was arrested after about 4 months on 29.11.2022. As per information provided by learned State counsel petitioner is involved in one another case of the similar nature, however, he is on bail in that case. Out of the total 16 prosecution witnesses 7 have already been examined.

Keeping in view the facts and circumstances of the case, this court is not inclined to grant benefit of regular bail to the petitioner and the same is, accordingly, dismissed.

(RAJESH BHARDWAJ)
JUDGE

04.01.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No