

CRM-M-61939-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-61939-2023

Date of decision : December 13, 2023

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....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Anoop Kumar Yadav, Advocate, for the petitioner
Mr. Chetan Sharma, DAG, Haryana

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, prayer is made for grant of regular bail in case FIR No. 354 dated 25.8.2020, under Section 3 of the Prevention of Damage to Public Property Act, 1984 and Sections 186, 307, 353, 120-B IPC, Police Station Pataudi, District Gurugram.

2. In the instant matter, the petitioner was arrested on 3.9.2020 and thereafter he was granted the benefit of regular bail by the learned trial court vide order dated 25.3.2021. The petitioner was regularly appearing before the trial court, however, he absented on one date i.e. 11.4.2022, which led to cancellation of his bail as well as bail bonds were ordered to be forfeited to the State. The petitioner thereafter surrendered before the trial court on 12.4.2023, i.e. after one year of his absence. He moved bail application on the same day which was declined by the learned trial court and the petitioner was taken into custody.

3. Learned counsel for the petitioner has submitted that the

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petitioner could not cause appearance one one date due to unavoidable circumstances and his absence was purely bonafide and therefore, he may be enlarged on bail.

4. Learned State counsel, on instructions imparted to him by ASI Prem, informed this Court that out of total 30 witnesses cited by the prosecution in the final report, only one has been examined as on today.

5. Considering the fact that the trial is at a very initial stage and the petitioner was earlier enlarged on regular bail and he has undergone sufficient incarceration, this Court deems it appropriate to enlarge the petitioner on regular bail during the pendency of the trial subject to condition that the petitioner shall appear regularly before the trial court on each and every date. In case, the petitioner again remained absent without any sufficient cause, he will not be entitled for the similar relief in future.

6. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned trial Court.

December 13, 2023

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(KULDEEP TIWARI)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>