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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2289 of 2024
Date of decision:-06.03.2024

JITENDER ALIAS JATINDER

... Petitioner

Versus

UNION TERRITORY, CHANDIGARH

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.
Ms. Simsi Dhir Malhotra, APP, UT. Chandigarh.

SANJIV BERRY, J. (ORAL)

Custody certificate dated 06.03.2024 filed by the APP, U.T. Chandigarh is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0048	05.02.2019	380, 457, 411 IPC	Sector 31, Chandigarh

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner was granted bail in the above said FIR and thereafter he

was regularly appearing in Court, however, he absented on 25.07.2022 leading to cancellation of his bail and issuance of warrants and subsequently proclamation was issued. He submits that the absence of the petitioner was not intentional but due to miscommunication of date. He submits that petitioner is in custody since 25.09.2023, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned counsel appearing on behalf of U.T. Chandigarh has not disputed the factual matrix of the case and submits that originally petitioner was granted bail in the case and later due to his absence from proceedings on 07.01.2023, warrants were issued and subsequently on the basis of proclamation he was declared as proclaimed person in the case vide order dated 21.09.2023 and was arrested on 25.09.2023 since then he is in custody.

5. After considering the rival contentions and going through the record, it transpires that originally the petitioner was granted bail in the aforesaid FIR and on account of his absence from proceedings on 07.01.2023 his bail was cancelled and subsequently ordered to be summoned through warrant of arrest and later in pursuance of proclamation issued by the Court vide order dated 21.09.2023, petitioner was arrested on 25.09.2023 and since then he is in custody on account of his absence. Challan has already been presented in Court, charges have been framed and as per the learned counsel for the petitioner his absence was not intentional but due to miscommunication of date due to Covid-19 pandemic, in these circumstances no purpose would be served by keeping petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.03.2024

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