



**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16600-2024

Date of Decision: May 20, 2024

Hardev Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Khari, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.197 dated 20.05.2023, under Section 436 IPC, registered at Police Station Sadar Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner contends that petitioner was earlier granted bail by the Court of Sessions on 25.09.2023 (Annexure P-2). He could not appear on 16.10.2023, due to which his bail was cancelled and bonds were forfeited. Later on, petitioner was arrested on 27.02.2024 and ever since then he is in custody.

3. Learned State counsel has opposed the bail petition by pointing out that on 16.10.2023, when the petitioner absented, 03 prosecution witnesses were present and it is because of the absence of the petitioner that said witnesses were discharged.

4. Be that as it may, it is undisputed that petitioner was earlier on bail and he absented on one date. It is also not the disputed fact that he is in

custody ever since 27.02.2024 and his total custody in this case is 07 months and 10 days. Custody certificate also reveals that he is not involved in any other case.

5. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail subject to the condition that before accepting bonds to be furnished by the petitioner, the Trial Court shall initiate the proceedings under Section 446 Cr.P.C. because of the earlier absence of the petitioner and only after disposal of those proceedings, the fresh bonds shall be accepted. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

May 20, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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