

2024:PHHC:067186



222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23041-2024
Decided on:-14.05.2024

Ajay and anotherPetitioners..

VS.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Sandeep Goyat, Advocate,
for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.298, dated 24.05.2022, registered under Sections 148, 149, 308, 323, 506, 325 and 120-B IPC, at Police Station City Gohana, District Sonipat, wherein the petitioners along with 06 other accused have been implicated with the allegations of having attacked one person Rohit with their respective weapons i.e. sticks, iron rods and pistols.

2. The prayer made herein has been vehemently opposed at the instance of learned State counsel while submitting that the petitioners evaded the process of law as they were earlier granted the concession of regular bail by the trial Court in the month of July, 2022, however, they

absented themselves on 04.09.2023 and surrendered after a period of more than 06 months i.e. on 11.03.2024 and thus, they do not deserve the concession of regular bail.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.

4. In the present case, investigation already stands concluded with the filing of challan. Initially, the petitioners were granted the concession of regular bail in the month of July, 2022, however, they failed to appear before the trial Court on 04.09.2023, resulting into cancellation of their bail, besides, forfeiture of bail bonds as well as surety bonds to the State, but they surrendered before the trial Court on 11.03.2024 and are behind the bars for the last more than two months by now. As per the paper book, the cause of non-appearance of petitioner No.2 was his medical condition i.e. fracture on his leg. Moreover, the petitioners even volunteer to serve public cause by providing one (01) Operation Table, two (2) Electric suction machines and two (02) General Surgery Instruments sets to Civil Hospital, Gohana, District Sonipat.

5. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioners, especially, when they surrendered themselves before the trial Court.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. The copy of the receipt regarding providing one (01) Operation Table, two (2)

Electric suction machines and two (02) General Surgery Instruments sets to Civil Hospital, Gohana, District Sonipat as volunteered by the petitioners shall be furnished by them at the time of submissions of their adequate bail/surety bonds before the Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

14.05.2024
sonika

(HARKESH MANUJA)
JUDGE

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