



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-30295-2024

Date of decision: 26.06.2024

Googli

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.136 dated 09.02.2022 under Sections 379-B, 427, 506 of the IPC (Section 479-B has been wrongly mentioned in the order dated 28.05.2024 whereby bail application of the petitioner was dismissed by the learned Trial Court) registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. Learned counsel for the petitioner contends that the petitioner was extended the concession of regular bail in the FIR in question on 16.05.2022 (Annexure P-2); the petitioner had been regularly appearing before the learned Trial Court on each and every date of hearing, however, on two dates i.e. 16.04.2024 (Annexure P-3) and 19.04.2024 (Annexure P-4) the petitioner was unable to attend the Court proceedings on account of the illness of his daughter in which



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regard he had also moved an application before the learned Trial Court seeking exemption. Learned Trial Court granted the exemption from appearance for four days and thereafter on the adjourned date, the petitioner was still unable to attend the Court proceedings as a result of which his bail/surety bonds were cancelled and forfeited to the State and warrant of arrest had been issued against him. Thereafter the petitioner surrendered before the learned Trial Court on 30.04.2024. Learned counsel submits that a compassionate view be taken because it was on account of genuine reasons that the petitioner was unable to appear and attend the Court proceedings.

3. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner is involved in any other criminal case, he has replied in the negative.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute the submissions made by the counsel opposite that the petitioner had been regularly appearing before the learned Trial Court after he was extended the concession of regular bail on 16.05.2022. Learned State counsel has also not been able to dispute that the petitioner is not involved in any other criminal case. On a further query, learned State counsel on instructions, has informed the Court that the prosecution evidence is likely to commence on the next date of hearing.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has now been in custody since 30.04.2024.



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As not disputed by the learned State counsel, the petitioner had been regularly appearing before the learned Trial Court and is not involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

26.06.2024

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(MANJARI NEHRU KAUL)
JUDGE

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