

2024:PHHC:088887



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-32814 of 2024 (O&M)
Date of Decision: 17.07.2024

Sameer		...Petitioner
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sanawar Ali, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.307 dated 12.09.2019 registered under Section 379-B of IPC and Sections 25 and 54 of the Arms Act at Police Station Kharkhauda, District Sonapat.
2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor there was any averment in the FIR, which even remotely connected him with the commission of the crime. The petitioner was earlier granted the concession of regular bail by the trial Court, however, due to some communication gap between him and his counsel, he could not appear before the trial Court on 10.04.2024. Due to this, he was again taken into custody and

is behind the bars for the last 03 months. He further contends that only 06 witnesses out of total 19 witnesses have been examined so far and his further custody will not serve any meaningful purpose.

3. On the other hand, learned State counsel submits that serious and specific allegations have been levelled against the petitioner and he does not deserve the concession of bail.

4. I have heard learned counsel for the parties and perused the record.

5. It is not in dispute that the petitioner was on bail in the present case. However, due to his non-appearance during the course of trial, he was again taken into custody. Now, he is in custody for more than 03 months. The trial is at the initial stage and no purpose will be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

7. However, the petitioner is directed to file an affidavit before the trial Court that he shall appear on each and every date of hearing and shall not remain absent during the trial without prior permission of the trial Court. In case, the petitioner does not appear on any date of hearing before the trial Court without prior permission,

it shall be viewed seriously and the necessary consequences will follow.

17.07.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No