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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-43831-2024 (O&M)

Date of decision: 10.09.2024

Mohammad Akram**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Govind Chauhan, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case bearing FIR No. 488 dated 04.10.2020, registered under Sections 397, 379-B and 120-B of IPC and Section 25 of the Arms Act, 1959 at Police Station Gharaunda, District Karnal.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 04.10.2020 on the basis of a complaint filed by the complainant Ankit, who was working as a Salesman at Rana Motors Petrol Pump, with the allegations that on the intervening night of 03-04.10.2020 at about 3 O'clock, the petitioner along with

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two other co-accused had come at the petrol pump and had snatched an amount of Rs.5,000/- and mobile phones by showing pistol and had also extended beatings to the complainant and his co-worker Pardeep Kumar. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 16.10.2020. He moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Karnal, which was allowed, vide order dated 18.01.2021. Thereafter, the petitioner was regularly appearing before the trial Court. However, he absented himself from the Court proceedings on 02.03.2023, consequent to which, his bail had been cancelled by the trial Court. Thereafter, he surrendered before the Court concerned on 08.07.2024 and was taken into custody. He had moved an application for grant of regular bail, which too was dismissed by the trial Court, vide order dated 09.07.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was granted concession of regular bail by the trial Court and was regularly attending the Court proceedings but on 02.03.2023, due to some misunderstanding, he could not appear before the trial Court resulting into cancellation of his bail. In order to show his *bonafide*, the petitioner had surrendered before the trial Court and was taken into custody. Learned counsel for the petitioner has further submitted that the absence of the petitioner before the trial Court on the said date was neither intentional nor deliberate. He is ready to abide by the terms and conditions to be imposed by this Court. He undertakes to attend the Court proceedings, as and when he is

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required to do so. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of regular bail.

4. *Per contra*, learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that the petitioner has intentionally avoided his presence before the trial Court resulting into cancellation of his bail. If extended benefit of bail, he may again absent himself before the trial Court. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record very carefully.

6. Admittedly, the petitioner was granted concession of regular bail by the trial Court. A perusal of the zimni orders placed on record by the petitioner shows that he was regularly appearing before the Court. However, he absented himself on 02.03.2023, consequent to which, his bail had been cancelled and on surrendering back, he was taken into custody on 08.07.2024. Since then, he is in custody as his application for grant of regular bail had been dismissed by the trial Court. The absence of the petitioner on the aforesaid date is obviously due to his carelessness but it does not attract the consequence of keeping him into custody through the entire trial. It is also apparent that he had himself surrendered back on coming to know that his bail had been cancelled by the trial Court, which shows *bonafide* intention of the petitioner to attend the Court proceedings. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that this petition deserves to be allowed.

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7.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal bond and two sureties to the satisfaction of the trial Court/Duty Magistrate concerned.
8.

It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>