

312

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43988-2024
Date of decision:-25.09.2024

YUDHVIR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Saurabh Sheoran, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed status report by way of an affidavit dated 24.09.2024 of Deputy Superintendent of Police, Narnaul, District Mahendergarh along with custody certificate dated 24.09.2024, the same are taken on record, copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023 for grant of regular bail in the following case (Annexure P-1):-

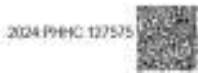
FIR No.	Dated	Sections	Police Station
267	03.10.2020	342, 379-B, 395, 458, IPC and 25 of Arms Act	Nangal Choudhary, District Mahendergarh

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that after being arrested in this case petitioner was granted concession of bail by learned Additional Sessions Judge, Narnaul vide order dated 22.03.2021(Annexure P-2) and thereafter he had been regularly appearing in the Court, however he absented from proceedings on 11.10.2021 leading to cancellation of bail and issuance of warrants of arrest against him (Annexure P-3). He contends that consequently petitioner was arrested on 15.03.2024 and since then he is in custody. He contends that the petitioner will undertake to regularly appear on each and every date of hearing. Hence he prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel has opposed the bail application by arguing that the petitioner had already misused the concession of bail, and if granted, he may abscond, as such he prays for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that after having been arrested in the FIR (Annexure P-1) petitioner was granted regular bail on 22.03.2021 (Annexure P-2) and thereafter, during the proceedings of trial petitioner absented from the proceedings on 11.10.2021, leading to cancellation of bail and issuance of warrants of arrest, later on, petitioner was arrested on 15.03.2024 and since then he is in custody. The conclusion of trial to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time and no



purpose would be served by detaining him in custody any longer.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case..

(SANJIV BERRY)
JUDGE

25.09.2024
Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No