

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-54412-2022

Date of decision: 18.01.2024

BRIJESH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.304 dated 08.07.2018, under Sections 302, 120-B and 34 IPC, and under Section 25/54/59 of the Arms Act, 1959, registered at Police Station Kharkhoda, District Sonapat.
2. The petitioner was arrested in the FIR (supra) on 04.09.2018, and thereupon, the petitioner was granted relief of regular bail on 24.09.2020, by the Co-ordinate Bench of this Court. The petitioner was regularly appearing before 03.03.2022. However, on 03.03.2022, the petitioner could not cause his appearance before the learned trial Court concerned, because his mother was ill, which led to issuance of non-bailable warrants against the petitioner by the learned trial Court concerned. In pursuance to the non-bailable warrants issued by the learned trial Court concerned, the petitioner surrendered on 05.05.2022, and since then the petitioner is behind the bars.

3. Learned counsel for the petitioner submits that the petitioner was continuously appearing before learned trial Court concerned from 2018 to 2022, however, just because the petitioner was absent on one date, he is behind the bars since 05.05.2022.
4. On the other hand, learned State counsel on instructions, imparted to him by SI Dharampal, submits that out of the total 35 witnesses cited in the final report by the prosecution, 33 witnesses stands examined.
5. Considering the fact that the petitioner was enlarged on regular bail by the Co-ordinate Bench of this Court vide order dated 24.09.2020, and he is facing incarceration since 05.05.2022, because he failed to appear before the learned trial Court concerned on one single date, and also considering the fact that the trial is at the fag end, this Court deems it appropriate to enlarge the petitioner on regular bail. Accordingly, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
6. It is made clear that the petitioner shall continuously appear as and when the date is fixed before the learned trial Court concerned.
7. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.
8. All pending application(s) stand disposed of accordingly.

18.01.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No