

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 53736 of 2023 (O&M)
Date of Decision: 08.02.2024**

Rahul @ Rabla

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Gurmeet Kaur Dhillon, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 62 dated 05.03.2021, under Section 379-A of IPC (Section 411 of IPC added later on), registered at Police Station Cheeka, District Kaithal, wherein he was implicated against the allegation of having snatched a mobile phone from the complainant-Satish Kumar Rajbhar.

[2] Learned counsel for the petitioner submits that the petitioner was granted regular bail by the learned Additional Sessions Judge, Kaithal vide order dated 20.07.2021; however, due to ill health of his mother, he could not appear before the Court below on 21.11.2022, as such his bail was cancelled and bail / surety bonds were

forfeited to State. He further submits that the petitioner surrendered himself before the trial Court on 24.07.2023 and since then he is in custody. Learned counsel, thus, prays for grant of regular bail to the petitioner.

[3] On the other hand, learned State vehemently opposes the prayer for grant of regular bail to the petitioner while referring to the antecedents of the petitioner being involved in four more cases.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, the petitioner was originally granted bail on 20.07.2021 by the learned Additional Sessions Judge, Kaithal upon due consideration of the allegations levelled against him as well as antecedents. The petitioner absented himself on 21.11.2022, resulting into cancellation of his bail as well as forfeiture of bonds to State and issuance of non-bailable warrants against him. Thereafter, the petitioner surrendered himself before the trial Court on 24.07.2023 and since then he is behind the bars for a period of more than six months now. The trial may take long time, as only two witnesses, out of nineteen prosecution witnesses have been examined. Moreover, the petitioner has not indulged himself in any offence during the period of his absence from the Court below. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the

petitioner.

[6] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

February 08, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No