

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

Date of Decision: 12.11.2024

...Respondent

2. Learned counsel for the petitioner contends that after registration of the FIR, the petitioner was arrested and was granted the concession of bail by the trial Court, vide order dated 09.07.2018 (Annexure P-2). He further submits that during the course of trial, the petitioner was in custody and could not appear before the trial Court. On 21.09.2023, counsel for the petitioner moved an application for exemption from personal appearance, however, the trial Court dismissed the application and bail was cancelled. Later on, the petitioner was



again arrested on 17.05.2024 and is continuing in custody since then. He further contends that the petitioner shall appear on each and every date of hearing before the trial Court and shall not remain absent during trial, without prior permission of the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner intentionally did not appear before the trial Court and does not deserve any leniency. He further contends that there are five more FIRs against the present petitioner.

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

5. In the present case, the petitioner was on bail, vide order dated 09.07.2018 (Annexure P-2) and thereafter, he was regularly appearing before the trial Court. However, he absented during trial and was again arrested on 17.05.2024. Now, the trial is progressing before the trial Court and his further detention will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall file an affidavit that he shall not remain absent himself from the Court proceedings without prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.*

12.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No