

CRM-M-58135-2023

2024:PHHC:045767

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-58135-2023

Date of Decision : April 04, 2024

AAZAD

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.M.D.Khan , Advocate for the petitioner.
Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.42 dated 6.3.2018 (wrongly mentioned in the impugned order as 11.3.2018), Under Sections 395, 397, 420, 506 IPC and under Sections 25-54-59 of the Arms Act, registered at Police Station Pinangwan, District Nuh, Haryana.

2. Learned counsel for the petitioner submits that in the instant FIR, the petitioner was arrested earlier on 27.4.2018 and thereupon he was granted the relief of regular bail by the learned trial Court concerned on 16.11.2018. He further submits that the petitioner continued to appear before the the learned trial Court concerned and was facing trial, however, on account of some unavoidable circumstances, he could not cause appearance on 7.2.2023 which resulted in cancellation of his bail. The petitioner thereafter surrendered on 27.4.2023, in a different FIR and was subsequently taken into custody through production warrants in the instant FIR on 31.8.2023. He further submits that since August 2023, the petitioner is behind the bars in the instant FIR and there is only one default. He further submits that the conclusion of the trial would take

long time as the trial is at the initial stage.

3. Per contra, the learned State counsel though did not contradict the factual submission made by the learned counsel for the petitioner, however, he submits that the petitioner is involved in five other cases. He further submits that out of total 21 cited prosecution witnesses, only six have been examined. He also placed on record the custody certificate qua the petitioner, according to which the petitioner has suffered incarceration of one year, seven months and sixteen days as on today, in the instant FIR.

4. Be that as it may, since the petitioner was earlier granted regular bail and was continuously appearing before the learned trial Court concerned and there is only one default in his appearance before the learned trial Court concerned, therefore, in view of the above facts and circumstances, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

5. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

April 04, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No