

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

CRM-M-58594-2023

Date of decision : 27.02.2024

AAZAD

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. M.D. Khan, Advocate,
Ms. Sunita, Advocate and
Ms. Kirandeep Kaur, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.132 dated 11.08.2017 registered for the offences punishable under Sections 109, 147, 148, 149, 186, 307, 353 of IPC, 1860 & Section 25 of Arms Act, 1959 at Police Station Bichhor, District Nuh, Haryana.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Petitioner was ordered to be admitted to bail on 7th of December, 2018. However, he absented on 3rd of December, 2022 which led to cancellation of his bail and issuance of non-bailable warrants. The petitioner claims to have surrendered on 24th of April, 2023 since then the petitioner is behind bars.

4. Counsel for the petitioner submits that the petitioner regularly appeared before the Trial Court for 4 years and his absence on 3rd of December, 2022 was on account of illness of his wife.
5. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.
6. I have heard counsel for the parties and have gone through records of the case.
7. Keeping in view the fact that the petitioner was admitted to bail in December, 2018 and continued to appear before the Trial Court for 4 years up to December, 2022 and is now behind bars since April, 2023 i.e. for almost 10 months and the fact that the FIR is of the year 2017 and the trial is not concluded, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 27, 2024
Dpr

(Pankaj Jain)
Judge

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