



CRM-A-2295-MA-2018 (O&M)

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STATE OF HARYANA VS PUNIT @ SAHIL AND OTHERS

Present: Ms. Harpreet Kaur, AAG, Haryana.

None for the respondent.

CRM-36152-2018

Present application has been filed for condoning the delay of 102 days in filing the application for leave to appeal.

Notice has already been issued to the respondents vide order dated 13.12.2018.

In compliance of the previous orders, respondents have not filed reply to the application of delay.

However for the reasons mentioned in the application, the same is allowed. Delay of 102 days in filing the application for leave to appeal, is condoned.

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Counsel appearing for the applicant submits that the present application was filed against acquittal in the year 2018 and he has a very good case on merit.

As per report of registry, notices issued to the respondents have been served. However, none has appeared on their behalf.

I have heard counsel for the applicant and gone through the record.

Leave to appeal granted.

The accused/respondent No.1 to 3 to execute a bond for attendance within two months, undertaking to appear in this court, in case the appeal is allowed. Respondent No.2 is no need to furnish bond.

In Mahidul Sheikh v. State of Haryana, CRM-33030-2021 in CRA-S-363-2020, decided on 14-01-2022, Para 53, this Court observed,

[53]. The pragmatic approach is that while granting bail with sureties, the "Court" and the "Arresting Officer" should give a choice to the accused to either furnish surety bonds or to handover a fixed deposit, or direct electronic money transfer where such facility is available, or creating a lien over his bank account. The accused should also have a further option to switch between the modes. The option lies with the accused to choose between the sureties and deposits and not with the Court or the arresting officer.



Given above, within two months, the accused/respondent No.1 and 3 shall furnish a personal bond of Rs. Ten Thousand only (INR 10,000/-) to the satisfaction of the concerned Trial Court/Duty Magistrate.

The attesting officer shall, on the reverse page of personal bonds, mention the permanent address of the accused along with the phone number(s), WhatsApp number (if any), e-mail (if any), and in case of any change, the Accused shall immediately and not later than 30 days from such modification, intimate about the change of residential address and change of phone numbers, WhatsApp number, e-mail accounts, to the Registry of this Court.

The furnishing of the personal bonds shall be deemed acceptance of the all stipulations, terms, and conditions of this bail order.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Registry to send copy of this order to the trial Court as well as to the respondent. It is clarified that in case, after getting the copy of this order, respondent does not furnish bonds within two months, trial Court might proceed further in accordance with law.

Main appeal

Admit.

List for final hearing on its own turn as per its queue.

It is clarified that the pendency of this appeal shall not be construed against the accused-respondent in any manner whatsoever.

(ANOOP CHITKARA)
JUDGE

30.09.2024
anil