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

CRM-M-58908-2024**Date of Decision: 29.11.2024**

Sanjay @ Bhairu

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Supriya Garg, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.3 dated 08.01.2023 registered under Sections 148, 149, 323, 325, 307, 120-B, 506 of IPC and Section 25 of Arms Act, at Police Station Ateli, District Mohindergarh.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and even from the contents of the FIR, no offence has alleged against him. She further contends that the petitioner had earlier filed CRM-M-5892 of 2023 praying for grant of concession of anticipatory bail and vide order dated 20.02.2023, the petitioner was admitted to bail. She further contends that after the grant of bail, the petitioner was joined the investigation and was regularly appearing before the Court. However, on 17.09.2024 and 04.10.2024, the petitioner could not appear before the Court due to wrong noting of the date and as he was suffering from loose motions and



vomitting. Thereafter, the petitioner was taken into custody on 04.11.2024. She further submits that the petitioner shall appear on each and every date of hearing 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 by submitting that the petitioner had not appeared before the trial Court intentionally and the petition is liable to be dismissed by this Court.

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

5. It is apparent from the record that on 17.09.2024 and 04.10.2024, the petitioner could not appear before the trial Court due to his ill health. Now the petitioner is in custody since 04.11.2024 and no purpose will be served by keeping him behind bars. Even otherwise, the petitioner was already admitted to the concession of anticipatory bail by this Court earlier, by taking into account the facts of the present case.

6. Without discussing any further 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. The petitioner shall file an affidavit before the trial Court that he shall appear on each and every date of hearing and shall not remain absent during trial without prior permission of the Court.

(N.S.SHEKHAWAT)
JUDGE

29.11.2024.

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