

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

229

CRM-M-63808-2023 (O&M)
Date of Decision:- 04.01.2024

RAJNISH @ SONU

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Jasdev Singh Thind, Advocate for the petitioner.

Mr. Vishal Malik, DAG Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
311	01.08.2019	147, 148, 149, 302, 307, 323, 303, 109, 120-B IPC	Azad Nagar Hisar, Haryana

2. Learned State counsel submits that as per instructions received from SI Naseeb, Police Station Azad Nagar, District Hisar, the petitioner was lodged in District Jail, Anupgarh, Rajasthan at the relevant time when he absented from the proceedings in the present case.
3. As per learned counsel for the petitioner, the petitioner after having been granted the concession of bail in the aforesaid FIR vide order

dated 24.05.2022 (Annexure P-2) passed in CRM-M-15089-2022 was regularly appearing in the Trial Court, however, on 07.01.2023, he could not appear in the trial Court due to the fact that he was arrested and lodged in District Jail Anupgarh, Rajasthan in case FIR No.449 dated 26.12.2022 registered at Police Station Ghansana, District Anupgarh, Rajasthan.

4. As per learned counsel for the petitioner the absence of the petitioner on the aforesaid date was not intentional but due to the reason beyond his control, having been arrested in another case. He has also referred to the order dated 24.05.2022 (Annexure P-2) passed by this Court, whereby the petitioner was granted regular bail in the present FIR.

5. Learned State counsel has submitted that due to the absence of the petitioner on 07.01.2023, the learned trial Court has cancelled the bail of the petitioner and issued non-bailable warrants of arrest for the presence of the petitioner and he has already been taken in custody on 17.05.2023 and since then he is in custody. However, as stated above, learned State counsel has apprised the Court that the petitioner was in fact arrested in case FIR No.449 dated 26.12.2022 registered at Police Station Ghansana, District Anupgarh, Rajasthan and was lodged in District Jail, Anupgarh at the relevant date.

6. Heard.

7. After hearing the rival contentions and perusing the record, it transpires that after having been nominated as one of the accused in the present FIR, the petitioner was granted bail vide order dated 24.05.2022 (Annexure P-2) passed in CRM-M-15089-2022 and thereafter he had been

regularly appearing in the trial Court. However on 07.01.2023, the petitioner did not appear in the trial Court leading to cancellation of his bail and issuance of non-bailable warrants of arrest and subsequently the petitioner was arrested in this case on 17.05.2023 and since then he is in custody.

8. The contention of the petitioner happens to be that his absence on 07.01.2023 from the trial Court was not intentional but due to the reason that he was arrested and lodged in District Jail Anupgarh in case FIR No.449 (*supra*), which fact has been duly verified by learned State counsel, meaning thereby, the absence of the petitioner on the date fixed in the trial Court was not intentional but due to the circumstances beyond his control.

9. Therefore, considering all these facts and circumstances, 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 concerned Trial Court/Duty Magistrate, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

04.01.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |