

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-326-2024
Date of decision: 11.01.2024

JARMAL SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. J.S.Gill, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, filed under Section 439 Cr.P.C, prayer is made for the grant of regular bail in case complaint No.80 of 2016 dated 02.07.2016, under Sections 420, 467, 468 and 471 of IPC, 1860, titled as "Tejinder Singh Vs. Jarmail Singh", pending for hearing before the Court of JMJC-cum-Principal Judge, Juvenile Justice Board, Sirsa.
2. Learned counsel for the petitioner submits that the petitioner was summoned to face trial in the above complaint, vide order dated 03.09.2019, passed by the learned trial Court concerned. Learned counsel for the petitioner further submits that in pursuance of the summoning order, the petitioner appeared before the learned trial Court concerned on 27.02.2020, and filed the regular bail application. Learned counsel for the petitioner also submits that the learned trial Court concerned decided the said application on the same day, and granted the concession of regular bail to the petitioner, and thereafter, the petitioner was regularly appearing for the last three years, and on one date i.e. 10.02.2023, the petitioner could not cause his appearance before the learned trial Court concerned, because of the reason as mentioned in para 4 of the petition. Thereupon, the petitioner remained absent for nearly about 08 months. Learned counsel for the petitioner submits that the petitioner had himself surrendered on 28.11.2023, and

since then he is behind the bars. Learned counsel for the petitioner further submits that the petitioner never intended to avoid his appearance before the learned trial Court concerned, and the petitioner is ready and willing to appear on each and every date before the learned trial Court concerned, therefore, it can be construed that there is intention to run away from the clutches of law.

Learned State counsel on instructions from official concerned, submits that the trial of the case is at the stage of pre-charge evidence.

Considering the fact that the present matter is arising out of the private complaint, and is triable by the Court of Magistrate, and is fixed for pre-charge evidence, and the conclusion of trial will take long time, therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, subject to the condition that he will remain present on each and every date before the learned trial Court concerned, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

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

All pending application(s) stand disposed of accordingly.

11.01.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No