

2024:PHHC:172463

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60764-2024 (O&M)

Date of decision: 05.12.2024

VIPIN KUMAR

....PETITIONER

Versus

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. C.R. Narwal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J.

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. seeking exempted from appearing before the concerned Police Station on the first Monday of every month, in accordance with the order dated 11.09.2023(Annexure P-1), passed by this Court in CRM-M-35156 of 2023 in the case arising out of FIR No.396 dated 01.10.2021 under Section 420, 467, 468, and 2471 of the Indian Penal Code, registered at Police Station Pinjore, District Panchkula.

2. **Contention:**

It is argued on behalf of the petitioner that the petitioner has been falsely implicated in the above mentioned FIR. The petitioner was enlarged on regular bail by this Court vide order dated 11.09.2023 (Annexure P-1), passed in CRM-M-35156-2023 with the condition to appear

before the Police Station concerned on first Monday of every month and to submit a written statement declaring no involvement in any other case. It is contended that the petitioner is in government service and posted as Executive Assistant in Gram Panchayat Raj Belsandi Tara, Block Vibhutipur (Bihar). The petitioner has been transferred, in the month of July, 2023, due to the present case. The concerned District Panchayat Raj Officer, Samastipur, has passed an order on 12.03.2024, Annexure P-2, by which another Executive Assistant has been posted in that Panchayat and the petitioner has been sent to Gram Panchayat Raj Kancha, Block Vidyapati Nagar (Bihar), which is about 1500 kilometers away from Kalka, as such, petitioner is facing very much difficulties to appear in the Police Station at Pinjore. It is further contended that co-accused Sundeshwar Roy has already been exempted from appearance in the Police Station on first Monday of every month by this Court vide order dated 23.10.2024 (Annexure P-3). The petitioner undertakes to appear on each and every date of hearing before the learned trial Court at Kalka. Therefore, in view of the above circumstances, the petitioner may be exempted from appearance in the Police Station on first Monday of every month.

3. Heard.

4. **Analysis:**

This Court has gone through the order dated 11.09.2023 (Annexure P-1), whereby two petitions bearing No. CRM-M-31996-2023 filed by co-accused Sundeshwar Roy and CRM-M-35156-2023 filed by Vipin Kumar (the present petitioner) were taken up together and were allowed. They were ordered to be released on regular bail on their furnishing

bail/surety bonds to the satisfaction of the learned CJM/Duty Magistrate concerned. This Court also imposed a condition in the said order that the petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the cases mentioned in this order. The petitioners were also directed by this Court that they (or anyone on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

However, now the petitioner seeks exemption from putting in appearance in the Police Station on first Monday of every month on the ground that he is government employee and as such it is difficult for him to appear in Police Station on first Monday of every month as his official work is suffering because of this condition imposed by this Court.

On perusal of the order dated 23.10.2024, passed by this Court in CRM-M-28672 of 2024, it is evident that the similar exemption from personal appearance to the co-accused Sundeshwar Roy has already been granted by this Court. This Court is of the considered view that no ground is made out to deny the similar relief to the present petitioner.

6. Conclusion:

In the light of order dated 23.10.2024, an undertaking of the petitioner to appear before the trial Court on each and every date, deems it fit to accept the prayer of the petitioner and hereby order that the personal appearance of the petitioner shall remain exempted from putting in

appearance in the Police Station Pinjore on first Monday of every month, with similar condition that this exemption shall not be claimed to be a condition precedent of claiming any kind of exemption by the petitioner before the trial Court.

It is made clear that this petition is being allowed without issuing notice to the State in view of the fact that petitioner is a Government servant and issuance of notice will take some time to file reply by the State and in order to avoid Monday falling in between the date fixed, but the State will be at liberty to seek revival of this petition, in case necessity arises.

This present petition stands allowed in the above terms.

(SANDEEP MOUDGIL)
JUDGE

05.12.2024
Poonam Negi

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