



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61019-2024
Date of decision: 10.12.2024

NIKHIL OJHAPetitioner

Versus

STATE OF HARYANARespondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Dinesh Kumar Dakoria, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana.
.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 of BNSS, 2023 (Section 439 of Cr.P.C.) for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
0567	29.12.2015	395, 397, 414, 412 IPC	P.S. Kherki Daula, District Gurugram

2. Learned counsel for the petitioner inter alia contends that the petitioner after being arrested in case FIR No.0567 dated 29.12.2015 (Annexure P-1) was granted concession of bail vide order dated 21.04.2017 (Annexure P-2) passed by learned Additional Sessions Judge, Gurugram.

3. Learned counsel for the petitioner further contends that thereafter, the petitioner had been regularly appearing in the court of learned Magistrate, where the case is still pending commitment. However,



on 30.05.2023, the petitioner could not appear in Court due to unavoidable family circumstances leading to his cancellation of bail and issuance of non-bailable warrants of arrest passed by learned Judicial Magistrate 1st Class vide order dated 30.05.2023 (Annexure P-3). He submits that thereafter, the petitioner had surrendered himself on 12.11.2024 and since then he is in custody. He contends that although the absence of the petitioner had been due to his domestic circumstances beyond his control but at the same time no delay in disposal of the case has been made on that account as the case is still pending commitment and the petitioner is in custody since 12.11.2024 only on account of his absence for one date. Learned counsel for the petitioner further contends that if granted bail, the petitioner undertakes to regularly appear in Court without fail.

4. Learned State counsel on the basis of *pairvi* report has not disputed the factual matrix and has not disputed the fact that the petitioner at present is in custody since 12.11.2024 on account of his absence on one date only. He has not disputed the fact that the matter is pending commitment.

5. After perusing the rival contentions and perusing the record, so far as the factual position narrated by learned counsel for the petitioner is concerned, the same is not disputed. The petitioner having been arrested was granted concession of bail vide order dated 21.04.2017 (Annexure P-2) (*supra*) by learned Additional Sessions Judge, Gurugram. Admittedly, it is on account of his absence from the Court of learned Judicial Magistrate 1st Class, Gurugram on 30.05.2023 that the bail of the



petitioner was cancelled and he was ordered to be summoned through non-bailable warrants of arrest vide order Annexure P-3 (*supra*).

6. The petitioner is now in custody since 12.11.2024, consequent upon his surrender. It is not disputed that the case has not yet been committed to the Court of Sessions and the delay thereof is not on account of the absence of the petitioner.

7. Keeping in view all these circumstances and without commenting on the merits, the instant petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned along with two sureties of the like amount, 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.

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

9. Pending miscellaneous application(s), if any, stand disposed of.

10.12.2024
puneet

(SANJIV BERRY)
JUDGE

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