



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

218

CRM-M-1900-2025

Decided on : 21.01.2025

Dilshad

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ketan Antil, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, who has been booked for having committed the offences punishable under Sections 428 and 429 IPC and Section 11 D of the Prevention of Cruelty to Animals Act, 1990, in FIR No. 552, dated 15.09.2017(P-1), registered at Police Station Sadar Bhiwani, District Bhiwani, during the pendency of trial.

2. Learned counsel for the petitioner contends that petitioner and his co-accused were initially granted bail by learned Magistrate, however, due to his absence during trial, the bail already granted to the petitioner was cancelled vide order dated 18.11.2024 (P-2). Subsequent thereto, petitioner alongwith other eight co-accused, who all were absent, surrendered themselves on 20.12.2024 (P-3) to join the process of law.

3. Learned counsel for the petitioner also submits that thereafter the bail application was preferred by the petitioner alongwith other co-accused before the Court of learned Additional Chief Judicial Magistrate,

**CRM-M-1900-2025****- 2 -**

Bhiwani, same was dismissed vide order dated 23.12.2024 as the concession was once misused by the petitioner.

4. Learned counsel for the petitioner further submits that even the prayer of release of the petitioner on bail has not been accepted by the Higher Court i.e. Court of learned Additional Sessions Judge-cum-Vacation Judge, Bhiwani and the prayer was dismissed vide order dated 28.12.2024, hence petitioner is before this Court.

5. Learned counsel for the petitioner submits that admittedly the petitioner defaulted and violated the terms and conditions of bail, however, it is the petitioner who alongwith other co-accused surrendered before the Court concerned and since then he is in custody.

6. Learned counsel for the petitioner also submits that all the offences are triable by the Court of learned Magistrate and there is no likelihood of completion of the proceedings in near future, because the prosecution witnesses are being examined till date, though the proceedings started in the year 2017.

7. On the other hand, learned State counsel while opposing the contention of learned counsel for the petitioner submits that the plea of the petitioner should not be accepted as the discretionary relief already availed by him has been flouted, however, learned State counsel does not dispute the factual aspects as addressed by the counsel for the petitioner.

8. Considering the aforesaid facts and circumstances and the fact that the petitioner is in custody since 20.12.2024, this Court deems it appropriate to allow the prayer made in the present petition. Petitioner is ordered to be released on bail in this case, subject to his furnishing fresh

**CRM-M-1900-2025****- 3 -**

bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. However, it is made clear that the lenient view of releasing the petitioner on bail has been taken by having expectation from the petitioner that in future, proceedings would not get delayed because of his absence or unwarranted conduct.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 21,2025***rashmi***

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*