



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

231

CRM-M-58083-2024 (O&M)  
Date of Decision:- 28.04.2025

BUNTY KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Munish Kamboj, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

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**SANJIV BERRY, J. (ORAL)**

1. Reply dated 26.04.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Tohana, District Fatehabad, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

| FIR No. | Dated      | Sections         | Police Station                  |
|---------|------------|------------------|---------------------------------|
| 465     | 23.09.2021 | 379-A and 34 IPC | City Tohana, District Fatehabad |

4. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner after having been arrested in the FIR in question, was granted the concession of bail vide order dated 05.04.2022 by the Court of learned Sessions Judge, Fatehabad (Annexure P-2) and thereafter he had been regularly appearing in the trial Court. However on 03.01.2023, as is evident from Annexure P-3, the petitioner moved an application seeking exemption from personal appearance on the ground that he has to appear in another case at Patiala, however, his request was not acceded by learned Sessions Judge, Fatehabad and his bail was cancelled and the petitioner was ordered to be summoned through non-bailable warrants of arrest. Learned counsel further submits that subsequently, the petitioner was declared proclaimed offender vide order dated 17.10.2023. Thereafter, during the course of the proceedings, the petitioner was arrested in this case on 05.06.2024 and since then he is in custody. Thus, prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition on the ground that the petitioner had misused the concession of bail, therefore, he does not deserve the concession of bail. He has however apprised that out of 12 witnesses cited by the prosecution, none has been examined till date.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner was originally granted the concession of bail vide order dated 05.04.2022 (Annexure P-2). However, due to his non-appearance in the trial, his bail was cancelled and later on, after having been



declared as proclaimed offender in the case, the petitioner was arrested on 05.06.2024 and since then he is in custody. It is evident from the record that as of now the petitioner is in custody only on account of being absconded from trial and conclusion of the trial to ascertain the criminal liability, if any, of the petitioner is likely to take sufficient long time, as none out of 12 witnesses cited by the prosecution has been examined till date. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present 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/Judge on Duty/Duty Magistrate concerned, 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, stands disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**28.04.2025**

*S.Sharma(syr)*

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