



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

209

CRM-M-28819-2026 (O&M).

Date of Decision: 26.05.2026.

Ajay Kumar @ Ajay Kumr

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Deepak Kohli, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, Senior Deputy Advocate General,
Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS (corresponding Section 439 Cr.P.C.) seeking regular bail in case FIR No.185 dated 07.08.2018, under Sections 279 and 304-A of IPC (Section 281 & 106 of BNS), registered at Police Station Sadar Ambala, District Ambala.

2. On registration of the present FIR, petitioner was arrested and thereupon was released on bail, however, the bail was cancelled on 10.12.2025 on account of his absence and non-bailable warrants were issued against him. Later on the petitioner was declared 'proclaimed person' on 20.02.2026 and was arrested on 10.04.2026.

3. Counsel for the petitioner contends that petitioner is a daily wager and does not have much knowledge about the procedure of law. Counsel also points out that in fact it is the second default committed by the petitioner. On earlier occasion also, the petitioner absented himself from the

Court proceedings and his bail was cancelled. However, he was again released on bail by the trial Court on his reappearance. The petitioner is inside jail for the last 46 days. In view of the above, counsel prays for the grant of regular bail to the petitioner.

4. I have heard learned counsel for the parties and perused the paper-book along with the appended documents.

5. Undoubtedly, petitioner has absented himself from the Court proceedings on two occasions. Now after being absent on the second occasion, petitioner has already remained inside jail for a period of 46 days. The maximum sentence which can be awarded in the eventuality of holding the petitioner guilty for the offence under Sections 279 and 304-A of IPC (Section 281 & 106 of BNS), with which he has been charged, would be of two years. Court cannot overlook the aspect that trial against the petitioner is pending since the year 2018 i.e. 07.08.2018 and, therefore, there is delay on the part of prosecuting agency for the slow pace of the trial before the Court also. Considering all these circumstances, this Court is of the view that no substantial purpose would be served by keeping the petitioner any longer inside jail and petitioner deserves the concession of regular bail. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

Consequently, the present petition is **allowed**. Petitioner is ordered to be released on regular bail, subject to his furnishing 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. **However, it is clarified that if petitioner again remain absent from the court without seeking prior permission, after his arrest, petition**

would not be considered until he completes incarceration period of *at least three months*.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

8. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

9. **Petition stands disposed of accordingly.**

Pending application(s), if any, also stand disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

26.05.2026
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No