
(1995) 07 P&H CK 0055

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 11482-M of 1995

Vinod Sharma

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 19-07-1995

Acts Referred:

Citation : (1995) 07 P&H CK 0055

Hon'ble Judges : Sat Pal, J

Advocate : Suveer Dewan, C.B. Kaushik, Advocates for appearing Parties

Judgement

Sat Pal, J. (Oral)

1. This petition has been filed by the petitioner under section 439 of the Criminal Procedure Code (in short the Code) seeking bail pending trial in cases F.I.R. No. 533 dated 14th December, 1993 registered under Sections 320/307/120 B and 216 of the Indian Penal Code and under sections 25/27 of the Arms Act at Police Station City Jind.

2. It has been stated in para No. 3 of the petition that the petitioner was released on bail in the year 1990 and thereafter he had been appearing in Court. He, however, did not appear in Court on 5th July, 1995 when the case was called for hearing. The learned counsel for the petitioner submits that the petitioner is residing in Delhi and he had left Delhi for Jind early in the morning of 5th July, 1995 but the bus in which he was travelling broke down and as such he could not reach Court in time.

3. I have heard the learned counsel for the parties.

4. From the order dated 7th July, 1995 passed by the learned Additional Sessions Judge, Jind, it is clear that the petitioner was absent when the case was called for hearing on 5th July, 1995 and on this ground his bail bonds were forfeited and nonbailable warrants were ordered to be issued for 17th August, 1995. It is, however, stated in the order itself that later on the petitioner appeared on the

same day and was taken into custody. It is true that the petitioner is required to ensure that he should reach court in time and should be present at the time when the case is called for hearing but in the present case the petitioner has already been in custody since 5th July, 1995 for his nonappearance at the time when the case was called for hearing. In view of these facts I am of the opinion that it is a fit case for grant of bail to the petitioner. Accordingly, I direct that the petitioner be admitted to bail on furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate, Jind.

5. With this order, this petition stands disposed of.