

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

**CRM-M No.12045 of 2018
Date of Decision : 28.03.2018**

Aash Mohammad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM :HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Shiva Khurmi, Advocate for
Mr. Sarfraz Hussain, Advocate
for the petitioner.

Mr. Manish Bansal, Dy. Advocate General, Haryana
for the respondent-State assisted by
ASI Suresh Kumar.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail on behalf of the petitioner in case FIR No.79 dated 25th May, 2016, registered under Sections 147, 148, 149, 323, 302, 216 of the Indian Penal Code and Section 25/54/59 of the Arms Act at Police Station Bahin, District Palwal, Haryana.

2. Mr. Gurdev Singh, Advocate has put in appearance on behalf of the complainant and filed his Power of Attorney today in Court; Be kept on record.

3. The petitioner was originally on bail but absented himself from the proceedings on 1st March, 2018 without any intimation

when as many as six prosecution witnesses were already present. Consequently the Ld. Trial Court at about 12.30 pm ordered cancellation of his original bail bonds and issuance of non-bailable warrant of arrest against him.

4. The petitioner's explanation for his non-appearance in Court at the relevant time is attributed to road traffic conditions on the relevant date, which according to him prevented him from reaching the Court in time.

5. The explanation so tendered is not very convincing. Nevertheless considering that now the matter is stated to be fixed for evidence of the same six prosecution witnesses who had appeared on the relevant date, on 19th April, the matter is disposed off with a direction that the petitioner who is now in custody after having surrendered before the Ld. Trial Court, may be released on fresh bail subject to appropriate terms & conditions as thought fit and proper by the Ld. Trial Court, with a further rider that he shall bear the entire expenses of the witnesses who could not be examined earlier on the date of his absence.

March 28, 2018**Dpr****(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No