

In the High Court of Punjab and Haryana at Chandigarh

CRM M-14146 of 2015
Date of Decision: May 01, 2015

M/s Meeras International and another

... Petitioners

Versus

Godwin Steel Pvt.Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Vaibhav Sehgal, Advocate,
for the petitioners.

Paramjeet Singh,J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners in Criminal Complaint bearing No. 18687 of 13.06.2013, pending in the Court of learned Judicial Magistrate First Class, Ludhiana.

Keeping in view the nature of the impugned orders passed, this Court does not deem it necessary to issue notice to the complainant since the case is fixed for recording the statement of the accused under Section 313 Cr.P.C.

I have heard learned counsel for the petitioners and perused the record.

In order dated 17.01.2015, the trial Court has observed that the accused-petitioner No.2 did not come present on 4-5 dates. The case is fixed for recording his statement under Section 313 Cr.P.C. On 17.01.2015 an application for exemption was moved, which has been placed on record

of this case as Annexure P/2. There is no justification in the application. Only ground mentioned in this application is that the petitioner had gone out of station and due to delayed arrival of train, he was unable to attend the Court. No details have been mentioned in the application. The application apparently appears to be vague. The application is not supported by any affidavit. In view of this, the trial Court i.e. Judicial Magistrate First Class was justified in rejecting the same and rightly cancelled the bail. Be that at it may otherwise also, application for anticipatory bail is not maintainable in the cases where the offence is bailable itself.

Keeping in view the peculiar facts and circumstances and for a limited purpose, petitioner is directed to appear before the trial Court on 04.05.2015 and furnish fresh bail bonds. On doing so, he will be released on bail to the satisfaction of the trial Court and his statement under Section 313 Cr.P.C. shall be recorded on the date fixed i.e. 07.05.2015. It is made clear that petitioner shall continue to appear on every date before the Court and no exemption from personal appearance shall be granted to the petitioner. If exemption has already been granted that shall be deemed to have been withdrawn.

Present petition is disposed of in the above terms.

May 01, 2015
vkd

[Paramjeet Singh]
Judge