

201 In the High Court of Punjab and Haryana at Chandigarh

CRM-M-16952-2014

Date of decision: 23.02.2015

Brij Mohan and others

.....Petitioners

Versus

Reena

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.S.K.Yadav, Advocate for
Mr. R.D.Yadav, Advocate
for the petitioners.

SABINA, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in Criminal Complaint No.197 dated 06.01.2011, under Sections 323, 452 and 506 read with Section 34 of the Indian Penal Code, 1860.

At the time of issue of notice of motion, the following order was passed by this Court on 16.05.2014:-

“Learned counsel for the petitioners submits that vide order dated 30.4.2014, learned Additional Sessions Judge, Gurgaon allowed the petition filed by the petitioners for the grant of anticipatory bail and directed them to appear before the Ilaqa Magistrate on or before 8.5.2014 and move an application for bail. The Ilaqa Magistrate was directed to release them on bail on their furnishing personal bonds. It was, however, made clear

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that if the petitioners failed to appear before the Ilaqa Magistrate on or before 8.5.2014, their petition for anticipatory bail be deemed to have been dismissed. It is stated that for reasons beyond their control, none of the petitioners could appear before the Ilaqa Magistrate within the stipulated period of time. They then filed an application for extension of time for the purposes of putting in appearance before the Ilaqa Magistrate but their said application was dismissed by Additional Sessions Judge, Gurgaon vide order dated 8.5.2014. It is submitted that if the petitioners are granted one more opportunity, they shall appear before the Ilaqa Magistrate.

Notice of motion for 20.8.2014.

In the meantime the petitioners shall surrender before the Ilaqa Magistrate on or before 24.5.2014. In the event of their doing so, they be admitted to ad interim bail by the said Court to its satisfaction”.

On 20.08.2014, the following order was passed by this

Court:-

“Learned counsel for the petitioners submits that pursuant to the order dated 16.5.2014, the petitioners surrendered before the Ilaqa Magistrate on 24.5.2014 and were admitted to ad-interim bail.

As per the office report, the respondent could not be served as she was missing from her house since 9.4.2014 and in that regard missing person report vide G.D. No.30 dated 17.4.2014 was lodged at Police Station Sector 10, Gurgaon.

Learned counsel for the petitioners prays for and is granted four weeks' time for supplying the present address of the respondent.

Notice be, thereafter, issued for 12.12.2014.

Interim order to continue.”

Petitioners are unable to supply the correct address of the respondent as she has gone missing. However, petitioners are appearing regularly before the Trial Court.

Accordingly, in view of the facts and circumstances of the case, interim bail granted to the petitioner by this Court vide order dated 16.05.2014 is made absolute.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

February 23, 2015

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