

CRM No. M-18531 of 2015
DECIDED ON: MAY 29, 2015

KULDEEP SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

Instant petition has been filed under Section 438 Cr.P.C. seeking pre-arrest bail to the petitioner in case FIR No. 357 dated November 08, 2012 under Sections 399, 402, 307, 34 IPC and Sections 25, 54, 59 of Arms Act registered at Police Station Gurgaon.

2. Notice of motion.

3. On the asking of Court, Mr. Vikas Chopra, DAG, Haryana, accepts notice on behalf of respondent-State of Haryana. Copy of the petition be supplied to learned State counsel during the course of day.

4. Learned counsel for the petitioner *inter-alia* contends that trial was fixed for April 27, 2015 on which date petitioner could not appear due to illness and exemption application for personal appearance was moved. The case was adjourned for the next day i.e. April 28, 2015 with a direction to petitioner to submit an affidavit that in case witnesses are to be examined in his absence, he shall have no objection with regard to his

identity. But since the case was adjourned for the next day, it was not possible for the petitioner to comply with the said order but on the next day i.e. April 28, 2015 bail was cancelled and bail bonds were forfeited to State, as a result of which petitioner was ordered to be summoned through warrant of arrest.

5. Though as per the conduct of petitioner, he deserves no leniency but at the same time it would not be desirable to delay the proceedings of learned trial Court. Petitioner is directed to appear/surrender before learned trial Court within a period of 7 days from today and in that event, he shall be released on bail at its satisfaction.

6. However, it is made clear that in case of willful default in appearance before learned trial Court the trial Court shall be competent to cancel its bail order, as well.

MAY 29 2015

SHAM

**(JASPAL SINGH)
JUDGE**