

214

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

CRM-M-28349 of 2016 (O&M)

Date of decision: November 07, 2016

Uday Narayan Yadav

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Ms. Naveen Malik, Advocate for the petitioner.

Mr. A.P.S. Gill, Advocate for the respondent-U.T., Chandigarh.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.146 dated 04.08.2009, under Sections 332, 353, 147, 148, 427 of Indian Penal Code, 1860 read with Section 3 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station Industrial Area, the petitioner seek anticipatory bail.

It is not in dispute that in the same FIR, the other accused persons have been acquitted on 03.12.2010. The petitioner is also the accused in the same case but did not appear before the trial Court and as such, has been declared P.O. which order is also under challenge in the connected case, i.e. CRM-M-33498 of 2016.

Learned counsel for the petitioner, on instructions from the petitioner states that the petitioner wants to contest the said criminal case but since he did not know the pendency of the said criminal case against him, he defaulted in appearing before the trial Court, but now

the petitioner wants to appear before the trial Court and contest the prosecution against him, given a chance to do so while being at liberty.

Learned State counsel vehemently opposed the petition on the ground that the petitioner in the trial did not appear and his son faced the trial, therefore, it cannot be said that the petitioner did not know about the trial.

Be that as it may, looking to the nature of offence and looking to the further fact that the petitioner wants to appear and contest the criminal case against him, I think the petitioner should be given a chance, subject to his paying costs to the Union Territory, Chandigarh and ofcourse by way of last chance to be at liberty, i.e. on bail during trial.

In that view of the matter, this petition is allowed. In the event of arrest, petitioner shall be released on anticipatory bail on his furnishing bail bonds amounting to ₹10,000/- with one surety of like amount, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

(A.B. CHAUDHARI)
JUDGE

November 07, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No