

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

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**C.R.M-M No.30623 of 2016
Date of Decision : 01.09.2016**

Harish Garg

..... Petitioner

Versus

Balwinder Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Surinder Garg, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for issuance of direction to the trial Court that in the event of appearance in criminal complaint No.Coma/9576/2016 dated 04.12.2015 titled as *Balwinder Singh vs. Harish Garg* the petitioner may be granted the concession of bail.

The petitioner appeared for the first time on 15.06.2016 in

the complaint and was released on bail. On 01.07.2016 which was the next date he did not appear. Thereafter the matter was adjourned for 15.07.2016. On that date his lawyer had appeared and sought an adjournment, therefore, the notice of accusation could not be served upon him. Thereafter the matter adjourned for 29.07.2016. On that date the petitioner did not appear and moved an application for exemption which was allowed and the case was adjourned for 01.08.2016. On that date the petitioner did not appear and moved an application for exemption which was declined by the Court. It was in these circumstances that the Court below declined the prayer for anticipatory bail.

Learned counsel has assured this Court that the intention which was attributed to the petitioner that he did not want to face the trial was in fact not correct.

The said case is now fixed for 21.09.2016. It is crystal clear that the petitioner has been able to delay the notice of accusation for almost 3 months. In the circumstances, I am constrained to take the assurance of the learned counsel for the petitioner with a pinch of salt. However, in the interest of justice, the petitioner is directed to appear in the Court on the next date which is stated to be 21.09.2016 alongwith costs of Rs.15,000/- to be paid to the complainant. On his appearance

alongwith costs the Court will release him on bail to its satisfaction. Till that date the petitioner will not be arrested. Needless to say any omission on behalf of the petitioner would entail cancellation of the bail.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

September 01, 2016
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No