

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-33328 of 2016
Date of Decision: 29.9.2016**

Narender @ Narender Tomar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

ANITA CHAUDHRY, J (ORAL)

Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 262 dated 13.7.2012, registered under Sections 498-A, 406, 506 IPC, Police Station Model Town, Rewari.

The FIR had been lodged in 2012. The petitioner was allowed anticipatory bail and the charge had been framed on 17.10.2014 and the case was posted for evidence in February 2015 and the petitioner absented from the Court and his bonds were forfeited to the State. He surrendered in the Court after seven months and his bail bonds were accepted by the trial Court on 15.9.2015 and he was released on bail. The petitioner again absented on 6.6.2016 and an application for exemption from personal appearance was filed. The application was not accompanied by any affidavit and since there was earlier default, his application was dismissed.

The petitioner had approached the Additional Sessions Judge for anticipatory bail which was rejected considering his past conduct.

Counsel for the petitioner refers to the certificate (Annexure P-4) to show that the petitioner was not well. He states that the petitioner was suffering from Epilepsy and could not go to the Court.

A perusal of the certificate (Annexure P-4) shows that this is the certificate issued by the doctor. The treatment record has not been placed on record. It only states that the petitioner was suffering from Post Traumatic Epilepsy and was advised medical leave but no date is indicated. The space is blank. This certificate was obtained on 29.7.2016. The vernacular has not been placed on record.

Considering the fact that the petitioner had remained absent for seven months before the Court on the first occasion also, I am not inclined to give the discretion again as it is the second default. The petitioner would surrender before the Court below within a week and the Court would consider his application for regular bail as expeditiously as it can.

Petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

September 29, 2016
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No