

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

**Criminal Misc. No. M-44376 of 2016
Date of Decision:-21.12.2016**

Sandeep Gupta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Vishal Garg, Additional A.G., Haryana.

HARI PAL VERMA J.(Oral)

This is second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.195 dated 10.8.2007, under Section 379 IPC, Sections 15(2) and 15(4) of Petroleum Pipe Line Act and Section 4 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station Sampla, District Rohtak.

Vide order dated 29.11.2016, learned Additional Sessions Judge has dismissed the application filed by the petitioner seeking exemption from personal appearance. In the application, it was pleaded that the petitioner being an accused in the similar case was required to appear in Gohana Court and, therefore, he is not able to appear in the Court of Additional Sessions Judge, Rohtak. The Court did not find any substance

in the said application and the reason mentioned in the application was not found convincing. Accordingly, the application was dismissed.

Learned counsel for the petitioner has argued that the petitioner had a genuine reason to claim exemption from personal appearance as he was to appear in Gohana Court. She states that earlier the petitioner had approached this Court vide CRM-M No.25246 of 2016 seeking anticipatory bail because as in that case also the petitioner was absented from the Court on 8.7.2016 and his non-appearance on that date was not intentional. Accordingly, this Court has granted the desired relief to the petitioner, however, with a direction that in case petitioner surrenders before the trial Court, he would be admitted on bail. Learned counsel states that after the order dated September 27, 2016 passed by this Court, the petitioner had appeared before the trial Court and had joined the proceedings. Now, it is on account of the fact that he was to appear in Gohana Court, he failed to appear before the Court of learned Additional Sessions Judge, Rohtak on 29.11.2016.

However, learned State counsel has stated that besides the present case, the petitioner is also facing trial at two more places i.e. in Gohana Court, the petitioner is facing the following three FIRs i.e. (1) FIR No.315 dated 27.12.2008, under Section 379 IPC, P.S. Gohana, (2) FIR No.316 dated 27.12.2008, under Section 379 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, P.S. Gohana, (3) FIR No.229 dated 10.11.2007, under Section 379 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, P.S. Gohana. The

petitioner is further facing two FIRs in District Jhajjar i.e. (1) FIR No.611 dated 24.11.20098, under Section 379 IPC, P.S. Jhajjar and (2) FIR No.462 dated 12.10.2007, under Section 379 IPC, P.S. Jhajjar. On 29.11.2016 the case was pending in Rohtak Court and the petitioner had made similar prayer seeking exemption from personal appearance on the ground that he has to appear in Gohana Court. Whereas at Gohana Court he moved an application seeking exemption from personal appearance on the ground that he has to appear in Rohtak Court, but infact he did not appear at either of the places.

I have heard learned counsel for the parties.

The track record of the petitioner shows that as many as six FIRs are pending against him. All the FIRs are more or less similar in nature. While seeking exemption from personal appearance from Rohtak Court, the petitioner had pleaded that he has to appear in Gohana Court and similarly for seeking similar relief from Gohana Court, he had submitted that he has to appear in Rohtak Court but the record reveals that he did not appear at either of the places. Therefore, the conduct of the petitioner does not warrant any equitable relief and petitioner is not entitled to claim anticipatory bail.

Dismissed.

December 21, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No