

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10256 of 2017 (O&M)
Date of Decision: March 24, 2017

Sunil Kumar

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Ms. Monisha Lamba, Advocate
for the petitioner.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that the petitioner having been earlier admitted to bail by the trial Court, his bail bonds were forfeited on account of his non-appearance before that Court on 16.09.2016 even though an application seeking his personal exemption had been filed.

As per the order annexed with this petition, it is seen that the petitioner was obviously filing applications seeking his personal exemption on each date, which earlier of course are seen to have been allowed.

In view of the above, I see no ground to entertain this petition filed under Section 438 Cr.P.C., which is accordingly dismissed.

However, upon the petitioner appearing before the trial Court and filing an application under Section 439 Cr.P.C., it would be dealt with on merits at the earliest, keeping in view the circumstances including the fact that if the petitioner remained absent only on one date, prior to which on his applications seeking personal exemption had been allowed.

If the petitioner is indeed found to have remained absent only

on one date, in that case only, the application under Section 439 Cr.P.C.
would be decided on the same date.

March 24, 2017
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no