

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

CRM-M No. 12966 of 2016(O&M)

Date of decision: 11.5.2017

Vishal Juneja

....Petitioner

VERSUS

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

Ms. Gurjit Kaur Sandhu, Advocate for respondent No.2.

REKHA MITTAL, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No.14 dated 22.03.2016 under Sections 376, 506 and 120-B of the Indian penal Code, 1860 (in short 'IPC') registered at Police Station Women, Ambala.

Counsel for the petitioner has submitted that the petitioner was allowed interim bail by this Court on 12.04.2016 and in pursuance thereof, he joined investigation. It is further submitted that dispute between the parties has been settled by way of compromise and in pursuance thereof, they are residing together. It is prayed that interim bail granted to the petitioner may be made absolute.

A relevant extract from order dated 14.09.2016 passed by this Court reads as follows:-

“The Coordinate Bench had directed the petitioner and the complainant to remain present in the Court.

Learned counsel for respondent No. 2 states that the complainant is being beaten up by the petitioner. He refers to the medical report. Copy of the medical report has been placed on record.

State would inform the stage of the case on the next date of hearing.

Adjourned to 09.01.2017.”

On 09.01.2017, the order passed by this Court reads as follows:-

“Arguing counsel for respondent No. 2 is stated to be in personal difficulty. However, it has been informed that respondent No. 2/complainant would be present in the Court on the next date of hearing. Adjourned to 31.1.2017”

On the adjourned date i.e. 31.01.2017, counsel for the petitioner submitted that the petitioner and the complainant are residing together and the petitioner shall ensure presence of the complainant before the Court on the next date of hearing. The case was adjourned to 30.03.2017. Order passed on 30.03.2017 is reproduced hereinunder:-

“Counsel for the petitioner would state that as the petitioner has met with an accident and is under treatment and even the complainant is busy in attending to the petitioner, some other date may be given for compliance of order dated 31.01.2017.

Adjourned to 11.05.2017.”

Today, neither the petitioner nor the complainant is present in the Court. Counsel for the petitioner would state that as the petitioner has to get conduct some medical test, he has not come present.

Despite repeated orders having been made by this Court, petitioner has failed to cause appearance before this Court. No materials have been produced on record justifying absence of the petitioner in utter violation of the orders providing repeated opportunities to the petitioner to

appear before the Court much less to ensure presence of the complainant as well.

In view of conduct of the petitioner, he has disentitled himself to indulgence of this Court in exercise of discretionary jurisdiction under Section 438 Cr.P.C. Accordingly, the petition fails and is dismissed.

MAY 11, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no