

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

CRM-M -15920 of 2017 (O&M)
Date of decision: 25.05.2017

Rajiv Gambhir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. Gurbir Dhillon, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 645 dated 22.11.2010, registered under Sections 406, 420, 468, 471 and 120-B of IPC, at Police Station Faridabad Central, Faridabad.

On 05.05.2017, the following order was passed by this Court:-

“It is contended that petitioner had been admitted to regular bail by the competent Court on 20.02.2016 and the matter was ordered to be posted on 23.02.2017. On the said date, the petitioner sought exemption and the Court was to allow the same. On the next date of hearing i.e. 26.05.2016, inadvertently, the presence of the petitioner was not recorded and non-bailable warrants were ordered to be issued, however as the same were issued inadvertently, the order was recalled and the case was adjourned to 28.11.2016. The petitioner caused appearance before the Court which was duly recorded and the matter was posted to 03.02.2017. On the said date, to discharge certain personal obligation, the petitioner was out of town and an exemption application was moved. The learned trial Court without considering the bona fide of the petitioner

had cancelled the bail order and issued non-bailable warrants against the petitioner. The absence of the petitioner was neither willful nor intentional.

Notice of motion for 25.05.2017.

At the asking of the Court, Mr. Saurabh Mohunta, DAG, Haryana, accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Heard.

Keeping in view the above facts and circumstances of the case, it is ordered that in case the petitioner appears/surrenders before the trial Court within a week from today, in that eventuality, he shall be admitted to bail on his furnishing fresh bail/surety bonds to the satisfaction of the trial Court."

It is contended that in pursuance of order dated 05.05.2017, the petitioner has appeared before the trial Court and has furnished bail/surety bonds. The photocopy of order passed by the trial Court duly attested by the instructing counsel is taken on record as Mark 'A'.

The learned State counsel does not dispute the above said fact.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 05.05.2017, is made absolute.

The petition stands disposed of accordingly.

25.05.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No