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

CRM-M-23828 of 2017

Date of decision: September 04, 2017

Rohtas

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Jashandeep Singh, Advocate for the petitioner.

Mrs. Tanisha Peshawaria, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner, in this second petition, seeks grant of anticipatory bail in FIR No.56 dated 12.03.2012, under Sections 149, 148, 323, 324, 307, 506, 120-B of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Taraori, District Karnal. This Court had made an order dated 13.07.2017 granting *ad interim* anticipatory bail to the petitioner.

It is not in dispute that the petitioner had approached this Court in the same subject matter and this Court had, in CRM-M-12300 of 2012, decided on 30.04.2012, dismissed his petition for grant of anticipatory bail. Obviously, this is the second petition for grant of anticipatory bail. The offences alleged against the petitioner are under IPC. Trial against the other accused persons have already commenced and some witnesses have been examined. Thus, the trial is continuing. In so far as the petitioner is concerned, he absconded even after dismissal of his petition by this Court, on 30.04.2012. The age of the petitioner is said

to be 70 years. Challan has already been filed. The period of almost five years has gone. The custody of the petitioner as such is not required. However, since the petitioner has absconded and at the same time, the police did not arrest him for the last 5 years and it is impossible to believe that the police could not arrest him. Be that as it may, looking at all the circumstances, I think since the trial is already on, the petitioner should be allowed the relief of grant of anticipatory bail till the trial is completed. However, the anticipatory bail will have to be granted only if the petitioner deposits ₹25,000/- (non-refundable) with the trial Court to be payable to the State of Haryana, as a pre-condition for being on anticipatory bail till the completion of trial.

In that view of the matter, interim order dated 13.07.2017 granting *ad interim* anticipatory bail to the petitioner, is made absolute, subject to his first deposit ₹25,000/- (non-refundable) first with the trial Court payable to the State of Haryana since the witnesses will have to be recalled. The petitioner shall also furnish bail before the trial Court. The petitioner shall attend the trial with promptitude. Liberty is reserved that in case the petitioner remains absent, the trial Court shall take him in custody.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

September 04, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No