

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

**Crl. Misc. No.M-34838 of 2017
Date of Decision: 22.09.2017**

Manish

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amandeep Rana Advocate
for the petitioner.

LISA GILL, J(Oral).

Petitioner seeks anticipatory bail in FIR No. 68 dated 13.02.2017, under Sections 354, 354-A, 354-D, 379-A, 323, 506 IPC, registered at Police Station Pataudi, District Gurgaon.

Petitioner was initially granted bail pending trial on 03.05.2017 in CRM-M-12724 of 2017. However, he did not appear before the learned trial Court on 04.08.2017 and an application was moved by the petitioner seeking exemption from personal appearance on the ground that his father is seriously ailing. It is to be noted that the prosecutrix was to be examined before the learned trial Court on the said date.

The said application was dismissed by the learned trial Court specifically observing that there is no detail regarding the ailment suffered by the petitioner's father. No medical evidence had been attached with the application or produced before the learned trial Court. In this view of the

matter, bail bonds of the petitioner were cancelled and forfeited to the State. Non-bailable warrants of the petitioner were issued on 31.08.2017.

Thereafter, the petitioner filed an application for anticipatory bail. It is to be noted that herein as well, details regarding ailment, if any, suffered by his father or the medical documents to support the same were not presented by the petitioner. Accordingly, the application was dismissed.

Aggrieved therefrom, the petitioner has now filed this petition for anticipatory bail.

It is to be noted that even before this Court, the petitioner has not appended any document to indicate the ailment suffered by his father. There is no detail whatsoever as to what was the malaise which troubled his father. The matter was adjourned on request of learned counsel for the petitioner on 18.09.2017. Today, a cryptic prescription dated 04.08.2017 of a private practitioner has been produced in Court which merely mentions one Vishnu Dutt to be suffering from Renal Calculi. Apart from the fact that the veracity of this document is in question there is no reason as to why it could not be produced before the learned Courts below in case it was available with the petitioner earlier. Moreover, even this medical prescription does not in any manner indicate any detail whatsoever of the problem suffered by the petitioner's father or his condition on 04.08.2017 which disabled the petitioner from appearing before the learned trial Court when the matter was fixed for recording the statement of the prosecutrix.

Consequently, finding no merit, this petition is dismissed. However, in case, the petitioner surrenders on or before 25.09.2017 and prefers an application for bail pending trial, the same shall be considered expeditiously by the learned trial Court in accordance with law.

Needless to say none of the observations made here-in-above

shall be construed to be a reflection on merits of the case and shall have no bearing on the trial.

22.09.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No