

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 203

Case No. : Crl. Misc. No. M-44410 of 2016

Date of Decision : February 08, 2017

Kailash Petitioner

VS.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Naveen S. Bhardwaj, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

* * *

DEEPAK SIBAL, J. :

Through this petition filed under Section 438 Cr.P.C., the petitioner seeks grant of anticipatory bail in FIR No. 132 dated 23.04.2010, registered under Sections 147, 149, 323, 283 IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984, at Police Station Mahendergarh, District Mahendergarh.

As per the allegations in the FIR, the petitioner, along with several other persons, caused damage to trucks owned by State Electricity Board. After investigation, report under Section 173 Cr.P.C. was filed on 25.09.2014, in which the petitioner was arrayed as one of the accused. Since the petitioner did not appear before the trial court, warrants for his arrest were issued. It is at that stage that the petitioner filed a petition for the grant of anticipatory bail before the Sessions Judge, Narnaul, which, through order dated 01.12.2016, was dismissed, giving a cause to the

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I attest to the accuracy and
integrity of this document.

petitioner to approach this Court through the present petition.

Learned counsel for the petitioner submits that the petitioner's non-appearance before the trial court was bona fide as he was not aware with regard to filing of challan against him. This was for the reason that the case has initially been registered against a mob of 50-60 persons. He further submits that since the challan has been filed, the petitioner was no longer required for investigation purpose and since the trial is yet to commence, it is likely to take a long time to conclude. It is still further submitted that in pursuance to the interim order of this Court dated 13.12.2016, the petitioner has already surrendered before the trial court on 04.01.2017 and on his doing so, he has been admitted to bail after furnishing of bail bonds in the sum of Rs. 25,000/- with one surety of the like amount. Learned counsel for the petitioner further undertakes on behalf of the petitioner that the petitioner would now appear before the trial court on all dates unless so specifically exempted by the trial court.

After considering the afore-referred submissions, the interim order passed by this Court on 13.12.2016 is made absolute subject to the conditions prescribed under Section 438(2) Cr.P.C.

Nothing observed herein above shall be considered as an expression of opinion by this Court on the merits of the case.

(DEEPAK SIBAL)
JUDGE

February 08, 2017
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>

