

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

Criminal Misc. No.M- 44989 of 2016(O&M)

Date of Decision: February 20 , 2017.

Aarif PETITIONER (s)

Versus

Sehnaj and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

Ms. Rosi, Advocate
for respondent No.1.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in Criminal Complaint No.73 dated 07.06.2016 under Sections 376/342/506 IPC and Section 25 of the Arms Act, 1959 pending in the court of Additional Sessions Judge, Palwal.

This Court on 09.01.2017 passed the following order:-

“CRM No.40633 of 2016

For the reasons mentioned in the application, same is allowed. Annexures P6 to P9 are taken on record subject to just exceptions. Filing of certified copies thereof is dispensed with.

CRM No.M-44989 of 2016

As per the medical certificates/record placed on record by the learned counsel for the petitioner, the petitioner underwent surgery

between 29.07.2016 to 03.08.2016. As per the medical certificate (Annexure P9) issued by the Aarvy Hospital, the petitioner was advised rest from 24.11.2016 to 23.12.2016 with the observation that K-Nail in the left elbow and K-wire in the left foot were removed on 24.11.2016. The petitioner was unable to walk and do physical exertion. Learned counsel for the petitioner submits that the petitioner has been appearing before the learned trial court on all occasions except on 07.11.2016 which is not intentional or willful and the petitioner shall appear before the learned trial court within one week from today. The petitioner further undertakes to appear on each and every date fixed before the learned trial court.

In view of the facts and circumstances of the case, in case the petitioner appears before the learned trial court within one week from today, he be admitted to interim bail by the learned trial court to its satisfaction.

List on 20.02.2017.”

It is contended that the petitioner has been facing trial and appearing before the learned trial court regularly however, he could not appear on 07.11.2016 as he sustained injuries in a roadside accident and remained hospitalized. Due to a communication gap, necessary information could not be conveyed to the petitioner's counsel. Learned counsel for the petitioner submits that pursuant to order dated 09.01.2017 passed by this Court, the petitioner appeared before the learned trial court on 31.01.2017 and has been afforded interim bail in terms of the abovesaid order. It is submitted that the petitioner undertakes to appear on each and every date fixed before the learned trial court and face trial.

Learned counsel for respondent No.1 submits that she does not have instructions in this regard. She prays for liberty to move necessary

application in case abovesaid statement made by the learned counsel for the petitioner is found to be incorrect.

Keeping in view the facts and circumstances but without commenting upon or expressing any opinion on the merits of the case, interim bail granted to the petitioner by the learned trial court is made absolute subject to his furnishing fresh bail bonds and surety bonds to the satisfaction of the learned trial court.

Petition is accordingly disposed of.

February 20 , 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No