

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

Crl. Misc. M-30938 of 2018 (O&M)
Date of Decision: July 26, 2018

Tamir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kunal Muthreja, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.55 dated 06.04.2017, under Sections 376, 506 of the Indian Penal Code, registered at Women Police Station Faridabad, District Faridabad.

Learned counsel for the petitioner would contend that by an order dated 03.07.2018, bail granted to the petitioner has been cancelled and surety bonds have been forfeited to state, due to non-appearance of the petitioner. It is argued that it was on account of a wrong date being noted, that the petitioner did not appear in the court on 03.07.2018 and prays for setting aside of the said order.

Notice of motion.

At this stage, on the asking of the court, Mr. P.P. Chahar, DAG Haryana, accepts notice on behalf of the respondent-State. Let sufficient number of copies of the petition be served upon him during the course of the day.

I have heard learned counsel for the parties, apart from perusing the pleadings of the case.

Admittedly, the petitioner herein was already on regular bail and was appearing on each and every date of hearing. Bail of the petitioner-accused has been cancelled by the trial court, on account of his non-appearance on 03.07.2018. Against the said order, the petitioner sought anticipatory bail before the Additional Sessions Judge, Faridabad, however, the same came to be rejected by an order dated 17.07.2018. Perusal of the order dated 17.07.2018 passed by the Additional Sessions Judge, Faridabad goes on to show that the trial of the case is at its fag end and only one witness is left to be examined by the prosecution.

Keeping in view the fact that the trial of the case is at its fag end since, only witness is left to be examined, no useful purpose would be served in denying the anticipatory bail to the petitioner, which would ultimately delay the trial of the case. Hence, at this stage, without commenting on the merits of the case, the petitioner herein is directed to appear/surrender before the trial court within a period of 10 days from today and on his doing so, the trial court shall release him on bail subject to his furnishing adequate bail bond and surety bond to its satisfaction. The arrest

of the petitioner is accordingly stayed for a period of 10 days from today, making it clear that in case, the petitioner herein fails to surrender/ appear before the trial court within the stipulated period, any interim protection granted to the petitioner today shall stand automatically vacated.

The petition stands allowed in the aforesaid terms.

July 26, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No