

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

**CRM-M No.25581 of 2019 (O&M)
Date of Decision: 23.09.2019**

Gurmej Singh @ Happy

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Kulwinder Singh, Advocate for
Mr. Simranjeet Singh Sarwara, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.28 dated 17.01.2015, under Sections 302 read with Section 120-B and 149 of the Indian Penal Code, 1860, registered at Police Station Mahesh Nagar, District Ambala.

This Court, while issuing notice of motion on 31.05.2019, passed the following order:-

“ Prayer in this petition is for grant of anticipatory bail in case FIR No.28 dated 17.01.2015 under Section 302 read with Section 120-B and 149 IPC, registered at Police Station Mahesh Nagar, District Ambala.

The petitioner was on bail during trial absented on 08.04.2019. Consequently, the trial Court, while cancelling his bail/surety bonds and forfeiting the same to the State, ordered

him to be summoned through nonbailable warrants.

Heard.

A perusal of the impugned order shows that four prosecution witnesses were present on the day, on which the petitioner absented himself. Therefore, the petitioner is burdened with a costs of Rs.10,000/- towards expenditure incurred by the State for presence of four prosecution witnesses. The petitioner shall appear before the trial Court within a week or on the date fixed and shall deposit the said cost of Rs.10,000/-. On doing so, he shall be released on bail on his furnishing adequate fresh bail/surety bonds to the satisfaction of the trial Court.

This order shall not be an embargo for the trial Court to proceed against the petitioner and his surety under Section 446 of the Code of Criminal Procedure.

Notice of motion for 23.09.2019 for production of the trial Court order in compliance of the order passed by this Court. ”

Contents that in terms of above order dated 31.05.2019, passed by this Court, petitioner has already joined the proceedings and regularly appearing before learned trial Court.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from S.I. Jagroop Singh.

In view of above, interim order dated 31.05.2019 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the learned trial Court and will not seek unnecessary adjournments.

The observations may not be considered as an expression of opinion on the merits of the case.

September 23, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes