

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

CRM-M-43191 of 2019 (O&M)
Decided on:- December 18, 2019.

Sonu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

CRM-38142-2019

The copy of medical certificate (Annexure P-3) is taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-43191-2019

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.802 dated 06.08.2017 under Sections 323, 406, 498-A and 506 IPC registered at Police Station Ballabhgarh City, District Faridabad.

Learned counsel for the petitioner has argued that the petitioner and complainant are husband and wife. They had some matrimonial disputes.

However, it stands resolved and now, they are staying together as husband and wife. The petitioner was admitted on bail. In the aforesaid FIR, the trial is in process. On 29.08.2018, the conducting lawyer had informed the petitioner that he will convey the next date of hearing in the case. But on account of lack of information, the petitioner could not appear before the trial Court on the relevant date and his bail was cancelled.

This Court, vide order dated 14.10.2019, while issuing the notice of motion, had directed that in case the petitioner appears before the trial Court within a week from that date, he shall be admitted on interim bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

However, learned counsel for the petitioner has argued that on account of his illness, the petitioner could not appear before the trial Court and in this manner, the order dated 14.10.2019 passed by this Court was not complied with. He refers to the copy of medical certificate (Annexure P-3) issued by Dr. Sanjeev Diwakar, Senior Resident, Department of Internal Medicine VMMC and Safdarjung Hospital, New Delhi dated 19.10.2019.

Having heard learned counsel for the parties and believing the statement of learned counsel for the petitioner that the petitioner and complainant are staying together as husband and wife and the non-compliance of the order dated 14.10.2019 on the part of the petitioner was on account of his illness, the present petition is allowed and the petitioner is granted one more opportunity to appear/surrender before the trial Court within a week from today. On his doing so, the trial Court shall release him on bail subject to his furnishing bail bonds and surety bonds to its satisfaction.

It is made clear that in case the petitioner fails to appear before the trial Court within the aforesaid stipulated period, the present petition shall be deemed to have been dismissed.

December 18, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No