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

CRM-M No.276 of 2020

Date of Decision: 08.01.2020

GAURAV KUMAR

.....Petitioner

Vs

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jai Vir Yadav, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.178 dated 02.08.2018, registered under Sections 295-A, 323, 506, 34 IPC at Police Station Sector 37, Gurugram.

[2]. Notice of motion.

[3]. On asking of the Court, Mr. Mr. Surender Singh, A.A.G., Haryana accepts notice on behalf of the State. Let a copy of the petition be supplied to him by learned counsel for the petitioner during course of the day.

[4]. Perusal of the record would show that earlier the petitioner was granted regular bail. Thereafter challan was submitted on 16.10.2018 and a copy thereof was supplied to the accused persons. The case was adjourned for 22.10.2018 for

arguments on charge. Petitioner absented from the Court and his bail bonds were forfeited to the State. Non-bailable warrants were issued against the petitioner for 13.12.2018. Non-bailable warrants could not be executed on the date fixed i.e. 13.12.2018 and subsequent dates as well.

[5]. Thereafter, the trial Court vide order dated 05.12.2019 has recorded that the proclamation issued for 09.01.2020 is not proper and fresh proclamation has been issued directing the petitioner to appear in the Court of Judicial Magistrate Ist Class, Gurugram on 11.02.2020.

[6]. From the facts on record, it is apparent that there is lach on behalf of the petitioner in not verifying the date from the trial Court after filing of challan.

[7]. In view of above, no ground is made out to grant the anticipatory bail to the petitioner. This petition is accordingly dismissed. However, the petitioner would be at liberty to surrender before the trial Court forthwith and in the event of his surrendering before the trial Court and filing of petition for regular bail, the trial Court shall proceed to decide the same within a week from the date of his appearance in accordance with law.

January 08, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No