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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6160-2020

Date of decision-12.02.2020

Sunil

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vivek Khatri, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Sunil has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.21 dated 21.01.2015 registered under Sections 186, 323, 341, 353 and 506 read with Section 34 of Indian Penal Code, 1860 at Police Station Barwala, District Hisar. The petitioner was declared as proclaimed person vide order dated 10.04.2019 by the trial Court, therefore, he has apprehension of arrest.

Learned counsel for the petitioner submits that initially the concession of regular bail was extended to the petitioner vide order dated 19.03.2015, however, later on, he absented on 08.05.2018 and the trial Court cancelled his bail and afterwards declared him proclaimed person vide order dated 10.04.2019. It is submitted that the petitioner was arrested in some other case and was confined in prison at Siliguri which resulted in his absence before the trial Court in the present case. After release on bail by

Additional Chief Judicial Magistrate, Siliguri, the petitioner remained occupied in attending his ailing brother-Mahender Singh who died on 29.06.2019. According to him, the petitioner was busy in looking after his family and therefore, could not appear before the trial Court. He submits that the petitioner is willing to join the proceedings and therefore, he deserves the concession of anticipatory bail.

After hearing learned counsel for the petitioner, this Court finds that the petitioner was throughout aware of the trial proceedings against him, but he deliberately kept himself away from the trial Court. It is not disputed by learned counsel for the petitioner that no application was moved on behalf of the accused seeking exemption from personal appearance.

Considering the above background and the conduct of the petitioner, this Court finds the petition, in the given facts and circumstances not maintainable under Section 438 Cr.P.C in view of the judgment passed by this Court in CRM-M-15464-2019, titled as “Balwant Singh @ Bawa V.s State of Punjab”.

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

12.02.2020

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No