

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

CRM-M No.8771 of 2020

Date of decision: 04.03.2020

Tarsem Mittal and another

....Petitioners

Versus

State of U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Ms. Ashima Mor, APP, UT, Chandigarh.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.170 dated 21.08.2017 registered under Sections 406, 420, 120-B IPC at Police Station Sector 26, Chandigarh.

Counsel for the petitioners has argued that initially the petitioner No.2 – Poonam Mittal had filed an anticipatory bail application before this Court vide CRM-M No.37586 of 2017, which was disposed of on 12.02.2018 and the interim anticipatory bail granted to her was confirmed.

Counsel for the petitioners has further submitted that the petitioner No.1 filed a regular bail application before this Court vide CRM-M No.11667 of 2018, which was allowed on 06.04.2018. It is further submitted that thereafter, the petitioners were appearing before the trial Court, however, on account of noting a wrong date, they could not appear before the trial Court on 20.09.2019 and their bail/surety bonds were canceled and they were ordered to be summoned through warrants and the case was adjourned to 17.01.2020 and thereafter, they

again filed anticipatory bail application before the Additional Sessions Judge, which was allowed on 18.12.2019 directing the petitioners to appear before the trial Court on 17.01.2020 i.e. the date already fixed. The petitioners, thereafter, filed second application before the Additional Sessions Judge as they could not appear before the trial Court on 17.01.2020. The said application was dismissed noticing the conduct of the petitioners that they are taking a very casual approach by not complying with the order dated 18.12.2019 granting anticipatory bail to them.

Counsel for the petitioners has further argued that on account of a marriage in the family of the petitioners, they could not appear before the trial Court on 17.01.2020 and are now ready to appear before the trial Court within a period of 07 days from today.

Counsel for the State, on instructions from SI Parmod has, however, opposed the prayer for bail on the ground that the petitioners are trying to delay the trial by not appearing before the trial Court and are deliberately avoiding their appearance in the Court.

Without commenting anything on merits of the case, considering the fact that petitioner No.2 was initially granted the concession of interim bail and petitioner No.1 was granted the regular bail and they have defaulted in appearance before the trial Court on 20.09.2019 and again, did not comply with the order dated 18.12.2019 vide which they were directed to appear before the trial Court on 17.01.2020, therefore, taking a lenient view, one more opportunity is granted to the petitioners to appear before the trial Court.

Accordingly, this petition is allowed and the petitioners are directed to appear before the trial Court/Duty Magistrate within a

period of 07 days from today and the trial Court/Duty Magistrate will release the petitioners on interim bail subject to their furnishing fresh bail/surety bonds subject to payment of costs of Rs. 10,000/- each to be deposited with the State Legal Services Authority, UT, Chandigarh.

The payment of costs shall be a pre-condition before accepting the bail/surety bonds of the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

04.03.2020
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No