

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

CRM-M-28120 of 2021

Date of Decision: 17.08.2021

Sukender alias Motia

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikram Singh, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. is filed seeking anticipatory bail in FIR No. 197 dated 27.4.2017, under Sections 379-B read with Section 34 IPC (Section 323 IPC added later on) registered at Police Station Sadar Bahadurgarh, District Jhajjar.

The petitioner was granted bail vide order dated 25.9.2017. The petitioner failed to appear as he was detained in another case in Rajasthan. Again the bail was granted on 6.6.2018. Thereafter, the petitioner absented himself. The bail was cancelled on 6.2.2020, hence the present petition.

Learned counsel for the petitioner submits that it was due to wrong noting of the date by the petitioner that he could not appear before the court on the date fixed. He further submits that in order to show his bonafides, the petitioner is ready to deposit Rs.50,000/- in cash with the trial court subject to out-come of the trial.

Learned counsel for the State opposes the prayer for grant of pre-arrest bail. The contention is that the petitioner is habitual defaulter and

he intentionally absented.

The petitioner was granted bail twice by the court concerned. One of the default was due to his detention in another case and second time, it is contended that due to wrong noting of the date and Covid-19 situation, he could not appear.

The machinery provisions provided in the Code of Criminal Procedure are to ensure the presence of the accused as and when required during the trial. The idea behind is that there should be speedy conclusion of the trial. The offer made by the petitioner, if accepted, ensures his presence during the trial.

Considering the facts in totality and the offer made by the petitioner, the petitioner is granted anticipatory bail subject to his appearance before the trial court within fifteen days and depositing Rs.50,000/- in cash. The amount deposited would be subject to out-come of the trial. The amount will be kept in an FDR of a nationalized bank. In case the petitioner fails to appear before the trial court as and when called for, the amount deposited shall be forfeited.

The petition stands disposed of.

[AVNEESH JHINGAN]
JUDGE

17th August, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |