

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

CRM-M-42372-2021

Date of Decision: 8th October, 2021

Sukhbir Singh @ Beeru

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Chander Shekhar Sharma, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana for the respondent-State.

AVNEESH JHINGAN, J.(Oral)

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 124, dated 13.03.2020, under Sections 148, 149, 323, 341 and 506 IPC registered at Police Station Sadar Ambala, District Ambala.

Petitioner absented from court proceedings on 23rd March, 2021. The arrest warrants of the petitioner were issued.

Learned counsel for the petitioner submits that petitioner could not appear due to unavoidable circumstances. It is argued that petitioner is a poor labourer, but to show his bonafide, he will deposit Rs. 10,000/- cash with the trial Court, subject to outcome of the trial.

Leaned State counsel opposes the prayer for grant of anticipatory bail. She submits that petitioner intentionally absented himself to delay the trial and he was successful in delaying it for almost six months.

From the facts of the case, it is forthcoming from the date of grant of bail petitioner was regularly appearing in the Court as and when required. He absented on one day.

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 the presence of the accused during the trial.

Let the petitioner appear before the Court concerned within fifteen days from today and deposit Rs.10,000/-, which shall be subject to the outcome of the trial. The court concerned shall be at liberty to impose any further conditions to ensure the presence of petitioner in future. The amount deposited shall be kept in fixed deposit with some nationalized bank. In case of the petitioner's failure to appear as and when called, the same shall be forfeited.

Disposed of accordingly.

It is clarified that in case petitioner fails to appear before the Court within stipulated time or to deposit the amount as offered, the order passed today shall automatically stand vacated without reference to the Court.

(AVNEESH JHINGAN)
JUDGE

8th October, 2021
Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No