

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-44363-2021
Date of Decision : 20.12.2021

Piyush Kalra

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Jasneet Mehra, Advocate for
Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral

Petitioner is seeking anticipatory bail in FIR No.23 dated
03.03.2021 registered under Sections 323, 406 and 498-A of the IPC at
Police Station Sector 20, Panchkula, District Panchkula.

On 26.10.2021, a Coordinate Bench of this Court had passed
the following order:-

“The present petition has been filed under
Section 438 Code of Criminal Procedure, 1973
for grant of anticipatory bail to the petitioner in
case FIR No.23, dated 03.03.2021, under
Sections 323, 406 and 498-A of the Indian
Penal Code, 1860, registered at Police Station
Sector 20, Panchkula.

Learned counsel for the petitioner
submits that the petitioner failed to put in
appearance on one single date i.e. 15.09.2021,
before the trial Court as a result of which the
bail granted to him was cancelled and
bail/surety bonds were ordered to be forfeited
to the State. It has been submitted that this was
the first incident when the petitioner failed to
put in appearance and that too on account of an

inadvertent lapse on the part of his counsel who had noted a wrong date i.e. 19.11.2021 instead of 15.09.2021. In support of his submissions, learned counsel for the petitioner has invited the attention of this Court to Annexure P-2 which is a photocopy of the diary of the arguing counsel before the trial Court.

Learned counsel for the petitioner further submits that the petitioner would appear and surrender before the Court on 12.11.2021 as has been directed by the trial Court vide order dated 15.09.2021 (Annexure P-3), however, he may be protected till then.

Learned counsel for respondent No.2 has vehemently opposed the submissions made by learned counsel for the petitioner by urging that the petitioner had intentionally not put in an appearance before the trial Court on the date fixed i.e. 15.09.2021 and, thus, his bail had rightly been cancelled by the trial Court. He has, thus, opposed the prayer made by counsel opposite.

I have heard learned counsel for the parties and perused the material on record.

In view of the facts and circumstances as enumerated hereinabove, the petitioner is directed to surrender before the trial Court on the date fixed i.e. 12.11.2021. No coercive steps shall be taken against the petitioner till 12.11.2021.

Adjourned to 15.11.2021.

On his appearance and surrender, on 12.11.2021, before the trial Court within, he shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that in case the petitioner fails to surrender on 12.11.2021, then this order shall be of no avail to him.

A copy of the order be produced on the next date of hearing.”

Learned counsel for the petitioner submits that in pursuance to the above mentioned order, the petitioner surrendered before the trial Court and was admitted to interim bail.

As per the order dated 12.11.2021 passed by the trial Court, even the parties have compromised their dispute and intend to file divorce petition under Section 13-B of the Hindu Marriage Act, 1955.

Keeping in view the facts and circumstances of the present

case, the order dated 26.10.2021 passed by a Coordinate Bench of this Court is made absolute.

The petition stands disposed of.

December 20, 2021

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No