

CRM-M-4871-2022 (O&M)

Through video conference
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-4871-2022 (O&M).
Decided on: February 7, 2022.

Jaswinder Singh

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT Mr.S.P.S.Chakkal, Advocate, for
Mr.S.S.Sarwara, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in FIR No.340 dated 19.8.2016, under Section 279, 337 and 338 IPC, registered at Police Station Gannaur, District Sonipat.

Learned counsel for the petitioner has submitted that offences in the present case are bailable in nature but since the petitioner could not appear before the learned trial Court for some time, his bail bonds

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were cancelled and forfeited to the State and thereafter, non-bailable warrants were issued to secure his presence. He submitted that the petitioner is ready and willing to surrender before the learned trial Court and join the proceedings.

I have heard the learned counsel for the petitioner.

It is a case where the petitioner is facing trial under Sections 279, 337 and 338 of the Indian Penal Code before the learned Judicial Magistrate First Class, Sonipat. The case was fixed before the learned trial Court on 12.7.2018 for the purpose of prosecution evidence and on that date five prosecution witnesses were present but the petitioner did not appear and his bail bonds were cancelled and forfeited to the State and non-bailable warrants were issued against the petitioner. Thereafter, the petitioner filed a petition under Section 438 Cr.P.C. for the grant of anticipatory bail but vide order dated 16.1.2020 (Annexure P-2), he withdrew the same with liberty to file a fresh one. Thereafter, the petitioner again filed a petition for the grant of anticipatory bail which was dismissed by passing a detailed order dated 29.10.2021 (Annexure P-3) by the learned Sessions Judge, Sonipat. A perusal of the aforesaid order (Annexure P-3) would show that when the petitioner did not appear on 24.01.2018 five witnesses were present for their deposition before the Court and the petitioner moved an application for his exemption which was allowed, subject to payment of costs of Rs.200/- to be paid to each witness and the matter was adjourned to 06.04.2018. Thereafter, on 06.04.2018, six PWs are present but learned defence counsel requested for an adjournment which

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was allowed subject to payment of costs of Rs.150/- to be paid to each witness and the matter was adjourned to 12.07.2018 for evidence of prosecution. Again on 12.07.2018, five PWs were present but could not be examined as accused was not present and therefore the bail of petitioner was cancelled and his presence was directed to be secured through non-bailable warrants for 15.09.2018. Thereafter, again on number of dates i.e. 15.09.2018, 19.11.2018, 12.03.2019, 16.05.2019, 17.10.2019, 09.04.2020, 11.11.2020 and on 27.10.2021, non-bailable warrants were issued against the petitioner which were received back unexecuted and the matter was adjourned to 25.02.2022 for issuance of fresh warrants of arrest. The anticipatory bail application filed by the petitioner before the learned Sessions Judge, Sonipat, was dismissed subject to payment of costs of Rs.1000/- to be paid to District Legal Services Authority, Sonipat. However, when it was asked from the learned counsel for the petitioner as to whether costs have been paid in terms of the orders passed by the learned Sessions Judge, Sonipat, the petitioner has stated that he was not aware of the same.

Be that as it may, the petitioner is absconding for the last three years and instead of surrendering before the learned trial Court, he has filed the present petition for the grant of anticipatory bail. The FIR is of the year 2016 and number of times prosecution witnesses were present but the petitioner did not appear and therefore, considering the facts and circumstances of the present case and the conduct of the petitioner, the petitioner has dis-entitled himself for the grant of anticipatory bail. Consequently, the present petition is hereby dismissed.

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However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 7, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No