

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

102 (PROCEEDINGS THROUGH V.C.)

CRM-M No.8708 of 2022
Date of Decision: March 4th, 2022

Vikas Malik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sudhir Hooda, Advocate
for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This is the second petition for the grant of anticipatory bail by the petitioner in FIR No.471 dated 26.09.2019 registered under Section 406 IPC at Police Station Sector 40, Gurugram.

In the earlier petition, which had been preferred by the petitioner i.e. CRM-M No.47527 of 2019, following order was passed:-

“Learned counsel for the petitioner prays for withdrawal of the present petition and to surrender before the trial Court. On surrender, the petitioner would file an application for grant of regular bail, which may be considered and decided at an early date.

In the light of the statement made by the counsel for the petitioner, the present petition is disposed of as withdrawn.

In case the petitioner moves an application within a period of one week from today, on surrender, before the trial Court for the grant of regular bail, the said application shall be considered and a decision taken thereon within a period of ten days from the date of submission of such application.”

It is apparent that the petitioner did not surrender before the trial Court.

The plea which has been taken by the counsel for the petitioner is that the petitioner had undergone a bypass surgery on 06.06.2019 (Annexure P-8) and he was discharged on 20.06.2019. The said plea as has been taken by the counsel for the petitioner thus is without any basis as the order which has been passed by this Court was on 29.07.2020. By that time, he had fully recovered as the counsel for the petitioner on the said date, did not indicate about the ill health of the petitioner. The petitioner is playing hide and seek with the Court and in the said circumstances, when the plea of the petitioner for non-surrender before the trial Court has been found to be a concocted and false story apparent on the record, this Court is not inclined to accept the prayer made in this petition and, therefore, dismiss the same.

Ordered accordingly.

March 4th, 2022
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No