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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM-17821-2022 in/and
CRM M 18659-2022
Date of decision: 12.05.2022

Girish Sharma

.....*Petitioner*

Versus

State of Haryana

.....*Respondents*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

**Present: Mr. R S Mamli, Advocate
for the petitioner**

-.-

Rajbir Sehrawat, J. (Oral)

CRM-17821-2022

Prayer in this application is for placing on record the copies of zimini orders passed by the Additional Sessions Judge, Hisar as Annexure A-1.

For the reasons mentioned in the application, the same is allowed. Documents, Annexure A-1, are taken on record.

Main case

This is a second petition filed under section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the

petitioner in case FIR No. 0612 dated 03.08.2017 registered under Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code, at Police Station Hisar Civil Lines, District Hisar.

Counsel for the petitioner has submitted that earlier the petitioner was granted anticipatory bail vide order dated 23.10.2018 in CRM M 33727 of 2018 passed by this Court. Pursuant thereto, the petitioner was continuously appearing before the trial Court. However, on one date, the petitioner could not appear before the trial Court. Although the application for exemption from personal appearance for that date was also filed, however, the trial Court has issued the warrant of arrest against the petitioner, vide order dated 02.12.2021 (Annexure P5). Hence the petitioner apprehends his arrest. The petitioner undertakes not to default in appearance before the trial Court in future. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion to Advocate General, Haryana.

Mr. Harish Rathee, Deputy Advocate General, Haryana accepts the notice on behalf of the respondent-State.

Counsel for the State has submitted that it is not on one date, rather the petitioner has absented himself twice. The petitioner is a habitual offender and is involved in other cases. Counsel further submits that the petitioner is intentionally not appearing before the Court so as to delay the trial. However, it is not disputed by counsel for the State that earlier, the petitioner was granted anticipatory bail by

this Court.

In response to the above submissions of State counsel, counsel for the petitioner has submitted that on another date, mentioned by the State counsel, the petitioner was to appear before another Court at Kanpur, therefore, the petitioner had applied for exemption from personal appearance; which was duly granted to him. Therefore, the same cannot be taken as absence from the Court. However, now the petitioner undertakes not to default in appearance on even a single date in future.

In view of the above, without expressing any opinion on merits of the case, the petitioner is directed to appear before the trial Court on or before 23.05.2022. On doing so, the petitioner shall be released on bail by the trial Court, on furnishing personal bonds and surety to the satisfaction of the trial Court.

(Rajbir Sehrawat)
Judge

May 12, 2022
mohan bimbura

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