

**206+101IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-34154-2022(O&M)

Date of decision: 09.09.2022

Vishal @ Shalu

....Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sachin Gupta (Ladwa), Advocate for the petitioner

Mr.J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

CRM-33433-2022

Allowed as prayed for.

Main case

This is the petitioner's second petition for grant of bail pending trial in a criminal case arising from FIR No.671 dated 16.08.2020, registered under Section 379A & 34 IPC (in the challan 34 of IPC was added) at Police Station Thanesar City, District Kurukshetra.

The petitioner was granted concession of bail on 13.10.2020. However, he kept delaying the trial of the case either by absenting from the court or by moving an application for grant of exemption from personal appearance.

In para no.8 to 10 of the status report filed by the State of Haryana, it has been stated as under:-

“8. That the present petitioner/accused has granted regular bail by the Hon'ble High Court vide order dated 13.10.2020 in CRM-M-31580

of 2020 but the present petitioner/accused intentionally with bad intention to delay the proceedings of the learned Trial Court not put his appearance before the learned Trial Court on 02.12.2020. The learned trial Court has forfeited the bail/surety bonds of the present petitioner/accused and cancelled his bail vide order dated 02.12.2020 by issuing the arrest warrant against the present petitioner/accused. Thereafter, on 29.04.2022 the present petitioner was appeared before the learned Trial Court and since then he is in judicial custody.

9. That on 12.04.2021, two star/material prosecution witnesses were present before the Court but on account of the exemption of present petitioner/accused, their testimony could not be recorded. On next date i.e 26.07.2021, the same set of witnesses were present but on that date, co-accused Rakesh alias Tota absented from the proceedings of the trial and thus, due to his absence, the trial court not proceed further. After the appearance of co-accused Rakesh alias Tota on 17.09.2021, when the trial was fixed for 02.12.2021 and the same set of witnesses were present for their deposition, the present petitioner/accused absented and due to his absence, the trial could not proceed further. The copies of zimni orders passed by the learned Trial Court during trial of the present case are enclosed herewith as Annexure R-1 (Colly) for kind perusal of this Hon'ble Court.

10. That the present petitioner/accused wants to delay the proceedings of learned trial Court and intentionally not put his appearance before the learned Trial Court. If present petitioner is released on bail in that case he will be given threat to the prosecution witnesses, hence petition of the present petitioner/accused may kindly be dismissed. The contact by ASI Jugal Kishore no. 112 made to Police Station Kaithal through telephonically from mobile no.9466465830 to mobile phone of Police Station Moharer of Kaithal on mobile no.9053052216 regarding other cases registered against the present petitioner/accused but as per record of police Station Kaithal no other case found registered against the present petitioner/accused except the present case.”

For the reasons noted above, no ground to grant the concession of bail to the petitioner is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

09.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE