

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

102

CRM-M-52393-2022
Date of decision : 15.11.2022

Deepak

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Atul Yadav, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No.177 dated 25.05.2019 registered under Sections 148, 149, 307, 341, 323 and 458 of the Indian Penal Code, 1860 and Section 3(2)(va), 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Dharuhera, District Rewari.

Learned Counsel for the petitioner submits that during investigation the petitioner was arrested on 25.05.2019 and he was granted regular bail by learned Sessions Court vide order dated 20.06.2019. Thereafter, the petitioner was regularly appearing before the trial Court. On 03.09.2022 the petitioner was in some personal difficulty and could not appear before the trial Court. The petitioner had informed his counsel regarding the same and requested him to move and application for exemption from personal appearance. However, the counsel for the petitioner himself had not appeared before the Court. Due to the absence of the petitioner non-bailable warrants were issued against him by the trial Court on 03.09.2022. Absence of the petitioner in the trial Court was neither intentional nor willful. The petitioner undertakes not to remain absent from the trial in future and he is ready to surrender before the Trial Court. The petitioner will abide by the terms and conditions imposed by the Court.

Notice of motion.

On the asking of the Court, Mr. Munish Sharma, Asstt. A.G., Haryana, who is present in the Court accepted notice on behalf of the respondent stated and opposed the present petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the paper-book.

Perusal of the file shows that no sufficient reason has been given by the petitioner for his non-appearance before the Trial Court. It is settled proposition of law that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant in terms of Section 82 of the Cr.P.C, he is not entitled to the relief of anticipatory bail. This view of mine is fortified by the judgment of the Hon'ble Supreme Court in case ***State of M.P. Vs. Pradeep Sharma : 2014 (1) RCR (Criminal) 269.***

In view of the above and keeping in view the nature of averment and conduct of the petitioner, I do not deem it fit to extend the concession of anticipatory bail to the petitioner.

Dismissed.

However, the petitioner is directed to surrender before the trial Court within 07 days from today and shall move an application for grant of bail before the trial Court which shall be decided by the Trial Court on the same day in accordance with law.

15.11.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No