

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-18164-2023  
Date of decision : 17.04.2023

Deepak Rawat Petitioner

V/S

U.T. Chandigarh Respondent

**CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Sourabh Shah, Advocate for the petitioner.

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**ASHOK KUMAR VERMA, J. (ORAL)**

The petitioner has filed the present petition under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.413 dated 24.11.2018 registered under Sections 394, 397, 452, 382, 506 and 34 of the Indian Penal Code, 1860 read with Sections 25 of the Arms Act, 1959 at Police Station Sector-34, Chandigarh.

Learned Counsel for the petitioner submits that earlier the petitioner was granted regular bail by the trial Court vide order dated 08.04.2019. Thereafter, the petitioner was regularly appearing before the trial Court. However, on 12.02.2023 the petitioner was held up at Manali and he could not reach Chandigarh on 13.02.2023 to attend his case. The petitioner had informed his counsel but due to the call of strike by the Bar, the counsel could not appear in the Court. Due to the absence of the petitioner, arrest warrants have been issued against him by the trial Court on 13.02.2023. Absence of the petitioner in the Court was neither intentional nor willful. The petitioner undertakes not to remain absent from the trial in future and he is ready to surrender

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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. A.M. Punchhi, Public Prosecutor for U.T. Chandigarh has accepted notice and has vehemently opposed the present petition.

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

Perusal of the file shows that no sufficient reason has been given by the petitioner for his none-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.

17.04.2023

*kothiyal*

(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No