

**(2010) 08 P&H CK 0440**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Miscellaneous No. M-25187 of 2010

Pardeep

APPELLANT

Vs

State of Haryana

RESPONDENT

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**Date of Decision:** Aug. 30, 2010

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Penal Code, 1860 (IPC) - Section 323, 406, 498A, 506

**Hon'ble Judges:** Rajan Gupta, J

**Bench:** Single Bench

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**Judgement**

Rajan Gupta, J.

This is a petition u/s 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 498-A/406/323/506 IPC vide FIR No. 54 dated 22.04.2006 at police station Bond Kalan, District Bhiwani.

2. Notice of motion.

3. On the asking of the court, Mr. Tarun Aggarwal, Sr. DAG, Haryana, accepts notice.

4. Learned Counsel for the petitioner has contended that petitioner had been continuously appearing before the trial court on all dates. However, on 8.6.2010, he could not appear before the court as he was suffering from gastroenteritis. Learned Counsel submits that there was no intention on the part of the petitioner to absent himself from the proceedings. He, therefore, submits that petitioner is entitled to concession of pre-arrest bail.

5. I have heard learned Counsel for the petitioner.

6. It appears that due to non-appearance of petitioner before the trial court on 8.6.2010, his bail bonds were cancelled.

7. In view of the fact that petitioner is stated to be ill on the said date, it is directed that in case petitioner appears before the trial court within a week of receipt of certified copy of this order, he shall be admitted to bail. This, however, will be subject to his furnishing an undertaking that he shall not absent from the proceedings on any date in future. In case the petitioner fails to appear before the trial court within the said period, this order shall cease to operate.

8. Disposed of.