
(2011) 06 P&H CK 0046

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M-No. 19219 of 2011 (O and M)

Dara Chand

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: June 28, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 120B, 420, 465, 467, 468

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Alok Singh, J.

This is the second application seeking anticipatory bail in FIR No. 308 dated 9.5.2011, under Sections 420/465/467/468/471/120B of Indian Penal Code, registered at Police Station City, District Sirsa.

2. First application seeking anticipatory bail being CRM No. M-18362 of 2011 was taken up for hearing on 7.6.2011. On 7.6.2011 Mr. Aman Bansal, learned Counsel for the Petitioner stated that the Petitioner would surrender/appear before the competent Magistrate on or before 25.6.2011 and shall move regular bail application, therefore, he may be permitted to withdrawn this petition.

3. On the statement made by Mr. Aman Bansal, learned Counsel for the Petitioner, first anticipatory bail application was permitted to be withdrawn with liberty to appear before the competent Magistrate on or before 25.6.2011 and to seek regular bail there from.

4. Present second anticipatory bail application is moved by different counsel Mr. Hitesh Verma.

5. Mr. Hitesh Verma, learned Counsel for the Petitioner, has argued that earlier bail application was withdrawn by Mr. Aman Bansal, learned Counsel for the Petitioner,

without any instruction from the Petitioner.

6. Since first anticipatory bail application was withdrawn with liberty to surrender/appear before the competent Magistrate and to seek regular bail there from, second pre arrest bail application is not maintainable. Argument that earlier bail application was withdrawn by the then counsel without any instruction from the Petitioner seems to be after thought. Moreover, Petitioner in paragraph No. 2 of this petition has asserted as under:

Thereafter, the Petitioner approached this Hon"ble Court for grant of Anticipatory Bail vide CRM-M No. 18362 of 2011 which was listed before this Hon"ble Court on 7th June 2011. But due to some inadvertent mistake/miscommunication between the Petitioner and his counsel, the same was withdrawn by the counsel of the Petitioner on the ground that Petitioner is ready to surrender.

7. However, if Petitioner surrenders/appears before the Magistrate within ten days from today and seeks regular bail, same shall be decided without any undue delay. Present petition stands dismissed accordingly.