

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-2150 of 2015

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Date of decision:23.1.2015

Sanjay Partap alias Sanju

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Deepak Gupta, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for the grant of anticipatory bail as non-bailable warrants have been issued against him vide order dated 19.8.2014 passed by learned Additional Sessions Judge, S.A.S. Nagar (Mohali), as the petitioner did not appear on that day in the criminal appeal filed by him against judgment dated 20.5.2014 passed by learned Judicial Magistrate Ist Class, Dera Bassi, vide which he has been convicted and sentenced to undergo rigorous imprisonment for two months and to pay a fine of ₹2,000/- for the offences under Sections 4(1) and 21(1) of Mining and Mineral Act, 1952 in case FIR No.64 dated 16.4.2013 registered at Police Station Lalru,

District S.A.S. Nagar (Mohali) and further during the pendency of this petition arrest of the petitioner may be stayed.

Learned counsel for the petitioner argued that the petitioner absented from the Court only on one date and his bail order has been cancelled, and bonds forfeited to the State and non-bailable warrants have been issued by learned Additional Sessions Judge, S.A.S. Nagar. He also argued that the petitioner has been convicted by the learned Judicial Magistrate Ist Class, Dera Bassi only to undergo rigorous imprisonment for two months and to pay a fine of ₹2,000/-. During the pendency of appeal on one date though the petitioner was present, but the Court marked him as absent and issued non-bailable warrants.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Mr. Varun Sharma, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

Keeping in view the facts and circumstances of the present case that the petitioner has been convicted and sentenced only to undergo rigorous imprisonment for two months and to pay a fine of ₹2,000/-, the appeal is pending against that judgment/order and the petitioner has absented only on one date, no useful purpose will be served by sending him to custody.

[3]

Keeping in view the facts and circumstances of the present case, I do not find that any purpose will be solved by sending the petitioner to custody as the hearing of the appeal will take long time. Therefore, this petition is allowed. The petitioner is directed to surrender before the Additional Sessions Judge, S.A.S. Nagar (Mohali) within ten days. The learned Court will release him on bail on his furnishing personal bonds and surety to its satisfaction.

January 23, 2015.

(Inderjit Singh)
Judge

hsp