

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106

CRM-M-21218-2016 (O&M).
Decided on: July 8, 2016.

Jagjit Singh @ Billa

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

* * *

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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PRESENT Mr.H.S.Sullar, Advocate,
for the petitioner.

M.M.S. BEDI, J. (ORAL)

On account of non-appearance of the petitioner before the Sessions Judge, Hoshiarpur, on 25.5.2016, his bail bonds were cancelled and non-bailable warrants were issued. Petitioner filed an application for pre-arrest bail before Sh.Sunil Kumar Arora, Sessions Judge, Hoshiarpur, specifically mentioning in para 3 of the application as follows: -

“That in fact, there is another case pending against the accused titled as State Vs. Jagjit Singh in the Court of Sh.R.K.Sharma, Additional Sessions Judge, Jalandhar, which was also pending for 25.5.2016. The said case was also fixed for evidence and presence of the applicant/accused was also required in the said case. Accordingly, on 25.5.2016, the applicant/ accused attended the Court of Sh.G.S.Dhillon, Addl. Sessions Judge, (Duty) Hoshiarpur. The copy of Zimni order is attached herewith.”

Learned Sessions Judge, Hoshiarpur, has disposed of the said application vide order dated 2.6.2016 observing as follows: -

“Learned counsel for accused/ applicant submitted that the Court has not cancelled the bail order and in that eventuality the accused/ applicant is not to seek fresh bail and is only to furnish fresh bail bonds. The accused/ applicant in that case, even if the contention of his learned counsel is correct can be so directed after he surrenders in Court. Resultantly, bail application filed by Jagjit Singh @ Billa stands dismissed. Papers be attached with the main file.”

Notice to the Advocate General, Punjab.

On asking of the Court, notice has been accepted by Ms.H.K.Athwal, DAG. Punjab, present in the Court. Copy given.

I have heard the learned counsel for the petitioner and gone through the order dated 25.5.2016 of Addl. Sessions Judge, Jalandhar, along with the observations of Sessions Judge, Hoshiarpur, in order dated 2.6.2016.

In view of the peculiar circumstances of this case, in the interest of justice and to protect the liberty of the petitioner, I deem it appropriate to allow this application in limine and to order that the petitioner will put in appearance before the trial Court on next date of hearing.

I am satisfied that on 25.5.2016, the petitioner had

put in appearance before the Additional Sessions Judge, Jalandhar. He has specifically mentioned this fact in the application for pre-arrest bail filed before the Sessions Judge, Hoshiarpur. It was a good ground to grant the concession of pre-arrest bail and to give a fair opportunity to the petitioner to furnish fresh bail bonds as the non-appearance was neither intentional nor mala fide.

This petition is allowed. It is ordered that the petitioner will put in appearance before the trial Court/Sessions Court, Hoshiapur, on next date of hearing. In case of petitioner doing so, he shall be released on bail on his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

July 8, 2016.
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