

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No. M-40955 of 2016

Date of decision:- November 17, 2016

PREM SAROVAR BAJAJ

.....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Vipin Mahajan, Advocate,
for the petitioner.

JASPAL SINGH, J. (Oral)

This is a petition preferred under Section 438 of the Code of Criminal Procedure (for brevity, "Code" only) by petitioner-Prem Sarovar Bajaj seeking pre-arrest bail, feeling apprehension of his arrest, in case FIR No.85, dated 06.07.2015, under Sections 351, 451 and 506 IPC, Police Station Division No.1, Pathankot, District Pathankot in which non-bailable warrant of arrest has been issued against the petitioner.

2. Notice of motion to the respondent.
3. At the asking of the Court, Mr. RPS Sidhu, AAG, Punjab has accepted notice on behalf of the respondent-State. Copy of the paper be supplied to him during the course of the day.
4. The contention of learned counsel for the petitioner is that the petitioner has been regularly appearing before the trial court but on

10.08.2016, he could not appear as wrong date was noted down by him. As a result of his non-appearance, his bail order as well as bail bonds were cancelled and forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest. Immediately, on coming to know about the issuance of non-bailable warrants of arrest and cancellation of bail order as well as bail bonds, he preferred petition under Section 438 of the Code before the ld. Sessions Court but that was declined, which necessitated the filing of the instant petition.

5. Since, the petitioner mistook the date and could not appear on 10.08.2016 and the fact that he immediately, on coming to know about the issuance of non-bailable warrants of arrest, preferred a petition before the ld. Sessions Court is suggestive of the fact that the absence of the petitioner on 10.08.2016 was neither intentional nor wilful but on account of the reason that he mistook the date.

6. Accordingly, instant petition is disposed of with the direction to the petitioner to appear/surrender before the trial court/Duty Magistrate within a period of 10 days from the date of receipt of certified copy of this order, who shall be released on bail by the ld. trial court/Duty Magistrate at its satisfaction.

November 17, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No