

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-4661 of 2016 (O&M)

Date of Decision: 29.04.2016

Karanbir Singh

--Petitioner

Versus

U.T. Chandigarh

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. P.P., U.T.,
Chandigarh.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 438 Cr.P.C read with section 482 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.149 dated 10.8.2014 under sections 332, 353, 307 read with section 34 I.P.C, registered at Police Station, Sector 3, Chandigarh.

On 9.2.2016, while issuing notice of motion, the following order was passed by this Court:-

“Counsel would submit that F.I.R was registered on the statement of the complainant Devender Kumar, Constable Chandigarh Traffic Police and the accusations are that a car being driven by co-accused Aftab Singh Gill upon being signaled to stop, instead of stopping, fled away after having struck the car against the complainant. In so far as the present petitioner is concerned, he was stated to be the co-passenger and sitting along with the driver and main accused namely Aftab Singh Gill. Counsel further submits that the petitioner had been granted benefit of regular bail and had duly joined trial proceedings.

The present petition has been filed for the reason that the petitioner could not appear before the Trial Court only

on one solitary date i.e. 4.2.2016 and even an application seeking exemption of his personal appearance was not entertained by the court and on 4.2.2016 itself bail granted to the petitioner was canceled and his bail bonds and surety bonds were forfeited.

Counsel argues that non-appearance of the petitioner on 4.2.2016 was on account of bonafide reasons and ill health of his mother on account of which he had to leave the court premises immediately. It is further contended that the intent was not to evade trial proceedings.

Notice of motion, returnable for 29.4.2016.

In the meanwhile, petitioner is directed to appear before the Trial Court on the date already fixed i.e. 10.2.2016. In the event of petitioner doing so, he would be entitled to interim bail subject to satisfaction of the Trial Court.

A copy of this order be furnished to learned counsel for the petitioner under the signatures of Bench Secretary.”

Learned counsel appearing for the petitioner would submit that in pursuance to the order dated 9.2.2016 the petitioner had duly appeared before the Trial Court on the date already fixed i.e. 10.2.2016 and was admitted to interim bail. He further apprises the Court that the trial has since culminated and the petitioner stands convicted.

Accordingly, the present petition is disposed of as having been rendered infructuous.

At this stage, counsel presses for the second prayer i.e. for setting aside the order dated 4.2.2016 at Annexure P-4, whereby while cancelling the concession of bail already granted to the petitioner his bail bonds and surety bonds were forfeited to the State. The order dated 4.2.2016 (Annexure P-4) with regard to forfeiture of bail bonds and surety bonds would not call for any intervention by this Court in exercise of

powers under Section 482 Cr.P.C. The order has been passed for the reason that the petitioner inspite of having been admitted to bail had evaded trial proceedings.

Prayer, accordingly, is declined.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.04.2016

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