

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

CRM-M-45895-2018

Date of decision: 17.10.2018

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.JS Brar, Advocate for the petitioner

JITENDRA CHAUHAN, J.

The present second petition under Section 438 of the Code of Criminal Procedure has been filed by the petitioner in case FIR No. 44 dated 28.4.2016 registered under Sections 307, 325, 324, 323, 341, 506 and 148 read with Section 149 of the Indian Penal Code at Police Station Sadar Kotkapura, District Faridkot.

Vide order dated 7.2.2017, the petitioner was admitted to regular bail by the learned trial Court and he continuously caused appearance before the trial Court. But on 10.9.2018, he could not appear and accordingly, his bail/ surety bonds were cancelled by the trial Court. Learned counsel refers to Annexure P-2, Medical Card dated 8.9.2018 and states that the petitioner is a patient of fissure and piles and due to excessive bleeding and extreme pain, he could not appear before the trial Court on the date fixed i.e. 10.9.2018. The absence of the petitioner before the learned trial Court was not wilful and deliberate, rather on account of

medical reasons, which were beyond his control. He undertakes to appear before the trial Court on each and every date of hearing.

Notice of motion.

At the asking of the Court, Mr.VM Gupta, Addl.AG, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the learned State counsel in the Court today.

Heard.

Considering the fact that after grant of regular bail, the petitioner was continuously appearing before the trial Court; the absence of the petitioner before the learned trial Court on the solitary date i.e. 10.9.2018, appears to be not intentional and deliberate; and he is stated to be not involved in any other FIR, the present petition deserves to be allowed. Ordered accordingly. The petitioner is directed to appear before the learned trial Court within one week from today and submit fresh bail/ surety bonds to its satisfaction. The petitioner shall continue to appear before the learned trial Court on each and every date of hearing.

17.10.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No