

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

CRM-M-53828 of 2018.

Decided on:- December 06, 2018.

Arshdeep Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Arjun Veer Sharma, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.231 dated 27.12.2015 under Sections 323, 325 and 506 read with Section 34 IPC registered at Police Station Sahnewal, District Ludhiana City.

Learned counsel for the petitioner has argued that on 16.07.2018, 27.08.2018 and 12.09.2018, the petitioner could not appear before the trial Court for the reason that he had several medical problem in spine for which he had submitted a medical certificate before the trial Court reflecting therein that he remained hospitalized from 29.10.2018 to 31.10.2018. Though the petitioner remained admitted in the hospital for a period of three days, but the fact remained that he continuously suffered pain in spine. Because of non-appearance of the petitioner before the trial Court, his bail was cancelled on

12.09.2018 and non-bailable warrants were issued against him and notice to his surety under Section 446 Cr.P.C. was issued for 04.11.2018.

He has further contended that the petitioner undertakes to appear before the trial Court regularly unless an exemption is granted by the trial Court. The offences in the FIR are otherwise bailable.

Notice of motion.

On asking of the Court, Mr. Jagmohan Ghuman, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State.

I have heard learned counsel for the parties.

The pleaded case of the petitioner is that he continued to have severe medical problem in spine for which he remained admitted in hospital from 29.10.2018 to 31.10.2018 and in support thereof, he has produced medical certificate issued by the hospital. At this stage, it cannot be disbelieved that he had no pain unless the certificate for the period during which he remained hospitalized is found false.

Be that as it may, but considering the fact that the petitioner has shown his inclination to surrender before the trial Court, the present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within a period of one week from today and moves an application for grant of regular bail, he shall be admitted on bail on furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court, however, subject to payment of Rs.2500/- as costs to be deposited by the petitioner before the District Legal Services Authority, Ludhiana.

The petitioner shall also furnish an undertaking before the trial Court that in future, he shall not remain absent unless an exemption is granted.

December 06, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No