

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

105

CRM-M-16117-2019 (O & M)
Date of Decision:08.04.2019

Prince Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

MANOJ BAJAJ, J.(ORAL)

Petitioner has prayed for grant of anticipatory bail in case FIR No.248 dated 30.11.2015, under Sections 379-B, 411 and 34 IPC registered at Police Station Model Town, District Hoshiarpur, as he apprehends arrest pursuant to order dated 20.02.2019 passed by trial Court, whereby his bail was cancelled and non-bailable warrants were issued.

Learned counsel for the petitioner contends that pursuant to the issuance of non-bailable warrants, the report received upon the summons contained the fact regarding admission of the petitioner in the de-addiction Centre.

According to him, the petitioner was prevented by sufficient reason to put in appearance on 20.02.2019. It is pointed out that the Court has now vide order dated 19.03.2019 initiated the proceedings under Section 82/83 Cr.P.C. and the matter is now fixed for 09.04.2019.

At the asking of the Court, Mr. Harsimar Singh Sitta, AAG,

Punjab accepts notice on behalf of the respondent-State in this petition. A copy of the paper book has been handed over to the learned State counsel, in the Court. In the given facts the application under Section 438 Cr.P.C. may not be maintainable, therefore, upon oral request the petition is treated under Section 482 Cr.P.C.

Learned counsel for the petitioner contends that the petitioner will put in appearance on the date fixed and will appear regularly.

This Court finds that the explanation offered for the absence of petitioner on 20.02.2019 is reasonable and it is to be borne in mind that many a times the accused or his counsel can be prevented by sufficient reasons on a given date from putting in appearance before the Court and every such absence cannot necessarily be construed deliberate or wilful.

Considering the above, the order dated 20.02.2019 and 19.03.2019 is set aside and it is ordered that petitioner shall remain on bail either on the same bail bonds or the learned trial Court may seek fresh bail bonds etc.

Disposed off.

08.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No