

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101

CRM-M-15714-2019 (O & M)

Date of Decision:09.04.2019

HARPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S. Thakur, Advocate for the petitioner.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition for grant of anticipatory bail under Section 438 Cr.P.C. as he apprehends arrest pursuant to the order dated 13.12.2018, whereby the Appellate Court has proceeded to issue non-bailable warrants on 13.12.2018 as the petitioner had failed to furnish the necessary bail bonds within the period of 15 days given by the Appellate Court, at the time of suspension of sentence vide order dated 12.09.2018.

When confronted with the issue of maintainability of the petition under Section 438 Cr.P.C., learned counsel for the petitioner prays for treating the petition under Section 482 Cr.P.C. The prayer is accepted and the petition is treated under Section 482 Cr.P.C.

Learned counsel for the petitioner contends that being ignorant about the procedure, the necessary compliance of the order dated 12.09.2018 could not be made. Besides, it is also explained that the petitioner was apprehending the indictment in case FIR No.279 dated 25.09.2018 under Section 302 IPC, wherein later on he was found innocent.

Notice of motion.

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.

Learned counsel for the petitioner prays for another 15 days time for furnishing the requisite bail bonds in compliance of the order dated 12.09.2018. It is stated by him that the petitioner is not involved in any other case except FIR No.450 dated 20.11.2014. The explanation offered by the petitioner appears to be justifiable and accordingly the same is accepted.

It is stated by the learned counsel for the petitioner that non-bailable warrants have not been executed so far. Accordingly, 15 days' time is given from today to the petitioner for compliance of the order dated 12.09.2018, passed by Appellate Court. In case the compliance of order dated 12.09.2018 is not made, then the Appellate Court may secure presence of appellant by issuance of arrest warrants.

Disposed off.

09.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No