

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

135

CRM-M-36878 of 2019 (O&M)

Date of decision: 03.09.2019

Col. (Retd.) S.S. Yadav

..... Petitioner

Versus

Virender Yadav

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Nipun Vashist, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Although, present petition under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail is not maintainable, however, on the oral request of counsel for the petitioner, this petition is treated as one under Section 482 of the Code of Criminal Procedure.

The petitioner has been convicted in criminal complaint No.6870 of 2015 by the learned Judicial Magistrate. The appeal against the aforesaid judgment was filed before the learned First Appellate Court. The petitioner filed an application for exemption on the ground that he is not medically fit to appear on that day. The learned Court dismissed the application after noting that the ground for non-appearance pleaded in the application as well as medical prescription attached by him by the application are different. The Court has also noticed that the petitioner has already moved 4 applications for exemption.

Be that as it may. Learned counsel for the petitioner submits that the petitioner is 77 years of age and an Ex-serviceman who has retired

from the Indian Army. He further submits that the petitioner is ready to appear on the date already fixed i.e. 04.10.2019 and furnish fresh bail bonds with the surety of like amount to the satisfaction of the concerned trial Court.

Keeping in view the aforesaid facts of the present case and the undertaking given by learned counsel for the petitioner, this Court is of the view that the present petition can be conveniently disposed of on the very first date of hearing.

Accordingly, the petitioner is directed to appear before the trial Court and furnish fresh bail bonds and surety of like amount to the satisfaction of the concerned Court within a period of 15 days from today. He also filed an undertaking in the form of affidavit that he would regularly keep on appearing before the First Appellate Court.

If such an undertaking is filed and bail bonds and surety are furnished, the trial Court shall release the petitioner on bail.

This order is conditional and would enure to the benefit of the petitioner only if he surrenders before the trial Court within the aforesaid time.

Keeping in view the assertions made, this petition is disposed of.

03.09.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No