

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

CRM-M-36600-2019

Date of Decision 10.09.2019

Sudhir Bagha

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Subhash Kumar, Advocate for the petitioner.
Mr. Bhupinder Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J.

Petitioner is an accused in FIR No.106 dated 27.06.2018.

Prayer in the petition is to grant anticipatory bail.

In the considered view of this Court, petition under Section 438 Cr.P.C. is not maintainable, once the petitioner had already been granted regular bail.

However, on the oral request of learned counsel for the petitioner, this petition is treated as a petition filed under Section 482 Cr.P.C.

Petitioner was admitted to bail vide order dated 12.06.2018. However, when he did not appear before the learned trial court, he was got declared proclaimed offender.

Learned counsel for the petitioner submits that given an opportunity, petitioner is ready to surrender before the trial court and furnish fresh bail bonds with surety of like amount to the satisfaction of trial court. Learned counsel submits that petitioner is also ready to furnish heavy surety .

On the other hand, learned counsel for the State has submitted that the petitioner had jumped the bail and therefore, indulgence should not be granted to the petitioner. Purpose of declaring an accused as proclaimed offender is to secure his presence.

Keeping in view the aforesaid facts, the present petition is disposed of with a direction to the petitioner to appear before the learned trial court within 10 days from today and if the petitioner complies with the undertaking, he shall be released on bail subject to his furnishing fresh bail bonds with surety of like amount to the satisfaction of the learned trial court. This order is conditional. Petitioner would also be required to file an affidavit to the effect that he will never remain absent on any date of hearing except when exemption is granted by the court in advance.

Disposed of.

10.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No