

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-40392 of 2019
Date of Decision: September 20, 2019.

Anil Kumar @ Neelu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Avtar Singh Bhatti, Advocate, for the petitioner.
Mr.S.P.S. Tinna, Additional AG, Punjab.

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Anil Kshetarpal, J. (Oral)

Petitioner prays for pre-arrest bail in the appeal against conviction arising from FIR No.45 dated 11.04.2014, registered under Sections 279, 304-A, 337, 427 IPC, at Police Station Mukerian, District Hoshiarpur.

In the considered view of this Court, the petition for pre-arrest bail is not maintainable once the petitioner-a convict was released by the Court of Sessions on suspension of sentence vide order dated 29.05.2018. However, on the oral request made by learned counsel for the petitioner, this petition is treated as one under Section 482 Cr.P.C.

The petitioner has been convicted under Section 304-A, 279 and 337 IPC, to undergo RI for two years and a fine of Rs.5,000/-. Petitioner filed appeal and the Court of Sessions suspended his sentence on 29.05.2018. It is the case of the petitioner that he has been regularly appearing in the Court except on 21.08.2019 when he could not appear as he was struck up in Jammu because of curfew.

Notice of motion.

On the asking of the Court, Mr.S.P.S.Tinna, learned Additional Advocate General, Punjab, accepts notice on behalf of the State.

Learned counsel for the petitioner submits that given an opportunity, the petitioner is ready to surrender and submit fresh bail bonds and surety of the like amount to the satisfaction of the Court of Sessions.

Keeping in view the above, this petition is disposed of permitting the petitioner to surrender before the Court of Sessions within a period of 10 days and submit fresh bail bonds and surety of the like amount to the satisfaction of the Court of Sessions. Petitioner would also require to file affidavit that he will regularly appear before the Court and cannot remain absent except when exemption from personal appearance has been granted in advance. This order is conditional and shall enure to the benefit of the petitioner if he will honour the order.

September 20, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No