

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

CRM-M-40384-2019

Date of decision: 26.9.2019

Sachin Dhingan

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Amandeep Singh, Advocate for the petitioner

Mr.Vikas Mohan Gupta, Addl.AG, Punjab
assisted by SI Puran Singh

JITENDRA CHAUHAN, J.

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.93 dated 14.5.2010 , registered under Sections 307, 452, 148, 427 read with Section 149 of the Indian Penal Code at Police Station Division No.6, Industrial Area, District Ludhiana.

Learned counsel for the petitioner states that the petitioner had been admitted to bail by the Court of competent jurisdiction and thereafter, had been regularly appearing before the trial Court. On 30.8.2019, the petitioner met with an accident and could not reach the Court when the matter was taken up for hearing. On account of his absence, learned trial Court cancelled the bail of the petitioner and forfeited the bail/ surety bonds of the accused. He further submits that even the prayer was made to record

his presence, however, the same was not considered. The absence of the petitioner before the trial Court was not deliberate and intentional. The petitioner could not cause appearance on account of the circumstance beyond his control. Learned counsel for the petitioner has also referred to the zimni orders to state that the petitioner never misused the concession of bail.

On the other hand, learned State counsel submits that the petitioner did not appear before the trial Court and therefore, the order of cancellation of bail has been rightly passed by the trial Court. However, he concedes the fact that the petitioner had been regular appearing before the trial Court except on 30.8.2019 and he never misused the concession of bail.

Heard.

From the zimni orders, it is made out that the petitioner never misused the concession of bail and had been appearing throughout before the trial Court except on 30.8.2019. The absence of petitioner appears to be not intentional and deliberate. Therefore, without advertting to the merits of the case, the present petition is allowed. In case the petitioner surrenders before the trial Court within a week and moves application for bail, he be admitted to bail on furnishing fresh bail bonds and also subject to deposit of Rs.5000/- with the Punjab Chief Minister's Relief Fund.

26.9.2019

gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No