

104.

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

CRM-M-40854-2019

Date of decision: 24.09.2019.

SUNNY

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. K.S. Brar, Advocate,
for the petitioner.

HARI PAL VERMA, J. *(Oral)*

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.247 dated 31.10.2017 registered under Sections 376/363/366-A of IPC and Sections 3 & 4 of POCSO Act, 2012 at Police Station Lambi, District Sri Muktsar Sahib.

Counsel for the petitioner states that in the aforesaid FIR, the petitioner was admitted on regular bail by this Court, but on account of noting a wrong date, he could not appear before the trial court on 06.05.2019. In fact, he had noted the next date of hearing as 05.06.2019.

Notice of motion.

Let requisite number of copies of paper book be given to learned State counsel during the course of the day.

Considering the fact that the petitioner was otherwise on bail and it is on account of his non-appearance on 06.05.2019, his application for

grant of anticipatory bail was declined vide order dated 20.05.2019 on the premises that the case status is always uploaded on the website and moreover, the petitioner has also engaged a counsel to inform him.

Heard.

No doubt the status of the case is uploaded on the website, but not every person is expected to know about the status of the case from the website. Moreover the bail was declined by the learned Additional Sessions Judge, with the observation that when the petitioner is being represented by a counsel, even he also did not appear. This Court finds that this observation of the learned Additional Sessions Judge cannot be accepted, once the pleaded ground for non-appearance is noting a wrong date. Representation by a lawyer is inconsequential as it is because of noting a wrong date, the petitioner could not appear.

Accordingly, the present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within a week from today and moves an application for grant of regular bail, he shall be admitted on bail, preferably on the same day.

(HARI PAL VERMA)
JUDGE

24.09.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.