

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 51890 of 2019
Date of Decision:-06.12.2019

Yuvraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

MANOJ BAJAJ J.(Oral)

Petitioner-Yuvraj Singh has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 40 dated 29.4.2011, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Chattiwind, District Amritsar.

Learned counsel for the petitioner has contended that the petitioner in the present FIR was arrested on 06.5.2011 and vide order dated 15.6.2011 (Annexure P-2) passed by Additional Sessions Judge, Amritsar, he was extended the concession of regular bail. After investigation, the police found the petitioner innocent and did not file the challan against him, however, when the complainant appeared in the witness box, he deposed

about alleged involvement of the petitioner in the incident. Thereafter, on an application under Section 319 Cr.P.C. filed by the prosecution, the petitioner was summoned as an additional accused vide order dated 15.5.2019 and was later on released on regular bail. He further submits that due to ill health, the petitioner could not appear before the trial Court and moved an application for exemption from personal appearance. However, the trial Court dismissed the application for exemption from personal appearance vide order dated 16.8.2019 and cancelled the bail bonds of the petitioner.

Learned counsel for the petitioner further submits that due to ill health, the petitioner could not appear on the date fixed before the trial Court. He further submits that earlier when the petitioner was on bail, he did not misuse the said concession. He submits that the petitioner is ready and willing to participate in the trial proceedings.

When learned counsel was confronted with the maintainability of the petition, he makes a prayer to treat the petition under Section 482 Cr.P.C. The prayer is accepted.

Notice of motion.

On asking of the Court, Mr. Ramdeep Partap Singh, DAG, Punjab accepts notice on behalf of State. Learned counsel for the petitioner has supplied the copy of paper book to learned State counsel.

Many a times, the accused or his counsel can be prevented by sufficient reasons to put an appearance before the Court on a given date and every such absence cannot be necessarily construed as a deliberate and willful absence. The explanation offered for non appearance before the trial

Court appears to be justified and therefore, the same is accepted.

Considering the above, the impugned order dated 16.08.2019 (Annexure P-5) and subsequent issuance of warrants (if any) are set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds furnished earlier by him at the stage of his release.

Disposed off.

December 06, 2019
Vijay Asija/vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No