

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

CRM-M-53787-2019(O&M)

Date of decision: 20.12. 2019

Mohit Rana

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Inder Pal Singh, Advocate for
Mr. Nitesh Singhi, Advocate for the petitioner
Mr. S.P.S.Tinna, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Although petition under Section 438 Cr.P.C is not maintainable once the petitioner had surrendered before the Trial Court and was released on regular bail, however, on the oral request of the learned counsel for petitioner present petition is stated to have been filed under Section 482 Cr.P.C.

Petitioner is accused in a criminal case arising from FIR No.87 dated 6.11.2016 registered under Sections 307, 148, 149 IPC and Sections 25, 27 of Arms Act at Police Station, Phase-8, Mohali, District SAS Nagar. He was granted concession of bail. On 4.10.2019 petitioner was not present and hence he was directed to be summoned through non-bailable warrants.

Learned counsel for the petitioner contends that petitioner could not come present on the date fixed due to mis-communication.

On examination of various orders passed after 4.10.2019, it is apparent that one accused or the other is not present forcing the Court to pass orders.

Learned counsel for the petitioner submits that the petitioner is ready to surrender before the Trial Court on the next date of hearing i.e 7.1.2020.

If the petitioner surrenders before the Trial Court on the date so fixed before it and furnishes bail bonds with surety of the like amount to the satisfaction of the Court, the Court would release the petitioner on bail. The petitioner shall also be required to file an affidavit that he shall not remain absent in future unless exemption from personal appearance has been granted in advance. It is made clear that this order shall enure to the benefit of the petitioner only if he complies with the aforesaid conditions.

Disposed of.

20.12. 2019

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Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No