

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

Crl. Misc. M- 11025-2020 (O&M)

Date of Decision: March 17, 2020

Jodhbir Singh alias Jodha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Simble, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.199 dated 30.09.2017 under Sections 354-D, 506 of the Indian Penal Code, registered at Police Station Civil Lines, Batala, District Gurdaspur.

Learned counsel for the petitioner would contend that the petitioner had been allowed bail and pursuant to which he was appearing regularly before the trial Court in the aforesaid case but could not put in appearance only on 17.09.2018. Consequently his bails bonds were cancelled, against which order he approached the Addl. Sessions Judge, Gurdaspur, who directed him vide order dated 15.01.2019 to surrender before the trial Court within a period of seven days. He could not appear before the trial Court within the stipulated period and moved another application for anticipatory bail and vide order dated 20.08.2019, he was directed to surrender before the trial Court within a period of three days.

Learned counsel for the petitioner would further contend that the petitioner could not put in an appearance as directed by the Addl. Sessions Judge, Gurdaspur by order dated 20.08.2019 on account of the fact that he was arrested in another matter and was only released from jail on 24.10.2019. It is submitted that he could not comply with the order of Addl. Sessions Judge only on account of the fact that he was already incarcerated.

Notice of motion.

On the asking of the Court, Mr. Davinder Bir Singh, D.A.G., Punjab accepts notice on behalf of respondent-State.

I have heard learned counsel for the parties and perused the paper book. Admittedly, the petitioner had lastly been allowed to put in an appearance before the trial Court vide order dated 29.08.2019, but custody certificate available on the record would reflect that he was arrested and admitted in jail on 30.08.2019 i.e. after one day of the passing of the order in FIR No. 178 dated 29.08.2019 under Section 397-B, 411 IPC registered at Police Station Civil Lines, Batala.

In view of the fact that the petitioner had a genuine reason for not appearing before the trial Court, this Court deems it appropriate to allow the instant petition and enable him to join the proceedings in the trial Court. Petitioner is directed to appear before the trial Court within a fortnight and in case of his doing so, he will be released on bail to the satisfaction of the trial Court.

March 17, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No