

109.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12375-2020

Date of decision: 15.05.2020.

HARJINDER PAL

.... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Shekhar Verma, Advocate,
for the petitioner.

Mr. Gaurav Dhuriwala, Sr. D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is 3rd petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0060 dated 07.08.2017 registered under Sections 323, 324, 326, 148, 149 of IPC at Police Station Ghuman Kalan, District Gurdaspur.

Learned counsel for the petitioner has argued that vide order dated 29.11.2017 passed by learned Judicial Magistrate Ist Class, Gurdaspur, the petitioner along with other co-accused was admitted on regular bail on furnishing personal bond to the tune of Rs.1 lakh along with one surety of like amount. In order to attend her ailing son, the petitioner had gone abroad without permission from the court and could not appear before the trial

Court on the dates fixed in the case. It is for this reason, vide order dated

04.01.2020, her bail order was cancelled and bail bond and surety bond were forfeited to the State. Accordingly, non-bailable warrants were issued against the petitioner for 11.02.2020. For having issued non-bailable warrants, the petitioner approached the learned Additional Sessions Judge, Gurdaspur for the grant of anticipatory bail. However, the same was declined. It is for this reason, the petitioner has approached this Court for grant of anticipatory bail.

Learned counsel for the petitioner submits that there was no such condition in the initial order dated 29.11.2017 whereby the petitioner was admitted on bail and it is on account of her son, aged about 9 years, being unwell, she has to rush to England. However, now the petitioner undertakes to appear before the trial Court regularly.

Learned State counsel does not have serious objection in case the petitioner appears before the trial Court and join the trial.

I have heard learned counsel for the parties.

Considering the fact that there was no such condition put in the order dated 29.11.2017 restricting the movement of the petitioner, coupled with the fact that the petitioner is ready to appear before the trial Court, the present petition is allowed. In case the petitioner surrenders/appears before the trial Court within 15 days from today, she shall be admitted on bail on her furnishing fresh bail bonds and surety bonds to the satisfaction of the trial Court.

(HARI PAL VERMA)
JUDGE

15.05.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No