

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

107

**CRM-M No. 42122 of 2020
Date of decision:15.12.2020**

SUKHDEV SINGH

.....Petitioner

Vs

STATE OF U.T. CHANDIGARH

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Ranjit Singh Kalra, Advocate
for the petitioner.

Mr.Ashu Mohan Punchhi, PP with
Mr.Anupam Bansal, Advocate
for U.T.Chandigarh.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through
video-conferencing.

This petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail in case bearing FIR No. 322 dated
06.08.2017 registered under Sections 61, 1 and 14 of the
Punjab Excise Act at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner submits that the
FIR was registered on 06.08.2017. Petitioner was granted bail
by the trial Court and he was regularly appearing before the trial
Court. On 03.09.2019, summons issued to ASI Gurmeet Singh
were received back unserved. No PW was present. Summons

were issued to remaining PWs and the case was adjourned for 30.09.2020. On 30.09.2020, petitioner could not appear before the trial Court nor could he inform his counsel. The bail was cancelled and the bails bonds were forfeited to State. Notice was issued to the surety in terms of Section 446 Cr.P.C.. Thereafter, petitioner ventured to file anticipatory bail before the Court of Sessions and the same was allowed vide order dated 07.11.2019, thereby, giving opportunity to the petitioner to appear before the trial Court on 18.12.2019 and furnish bail bonds to the satisfaction of the trial Court. The Court was held at liberty to proceed with the proceedings under Section 446 Cr.P.C. in accordance with law.

Learned counsel for the petitioner further submits that the petitioner could not avail the aforesaid concession owing to his involvement in some other case.

Learned PP for U.T.Chandigarh, on the other hand, opposed the bail on the ground that the conduct of the petitioner is not such, warranting any indulgence by this Court in a second anticipatory bail, which is not maintainable. Petitioner has misused the concession of indulgence by not appearing even on the date fixed by the Court of Sessions and thereafter, non bailable warrants were issued against him and he filed a petition for grant of anticipatory bail on 07.10.2020 before the Court of Sessions, which was not maintainable.

Having heard learned counsel for the parties and taking into consideration the situation arising out of pandemic Covid-19, I deem it appropriate to dispose of the present petition with a direction to the petitioner to surrender before the trial Court within three days. On doing so, he shall be granted regular bail by the trial Court on heavy terms and conditions. It is made clear that the proceedings in terms of Section 446 Cr.P.C. shall continue and would not be hampered.

Petition stands disposed of accordingly.

December 15, 2020

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Whether reasoned/speaking

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No