

CRM-M-52761-2019
Date of Decision: 29.01.2020

v/s

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Rajesh Bhardwaj, Sr. DAG Punjab assisted by
ASI Chadmander Singh.

* * *

VIVEK PURI, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.106 dated 18.08.2016, under Section 379-B IPC registered at Police Station Garhshankar, District Hoshiarpur.

The petitioner is facing trial for offence committed under Section 379-B IPC of Indian Evidence Act. On 27.11.2019, petitioner had absented from the trial Court and accordingly, his bail orders were cancelled, bail bonds and surety bonds were forfeited to the State and he was ordered to be summoned through warrants of arrest.

On 11.12.2019 following order was passed:

“Contends that there is no other criminal case pending against the petitioner and he is ready to fully cooperate with the proceedings pending before the learned trial Court.

Notice of motion for 29.01.2020.

In the meanwhile, the petitioner is directed to put in appearance before the learned trial Court on 16.12.2019 and in case of his doing so, he will be released on interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to its satisfaction.”

Learned State counsel, on instructions from ASI Chadmander Singh, has not disputed that petitioner has surrendered and has been released on interim bail by the learned trial Court. Reason assigned for his non-appearance is to the effect that there was some ailment being suffered by the petitioner, though no medical record was produced in the Court.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 11.12.2019 is made absolute.

The petition stands allowed.

The petitioner is directed to furnish fresh bail bonds before the trial Court on or before 14.2.2020. However, this order is without any prejudice to any proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner or his surety by the trial Court.

29.01.2020
Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No