

CRM-M No.4458 of 2021

Date of Decision : 09.02.2021

Jasbir Singh

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Aayush Gupta, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0264 dated 29.07.2018, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Sahnewal, District Police Commissionerate, Ludhiana.

3. Learned counsel contends that the petitioner was granted regular bail in the aforementioned case by the learned Sessions Judge, Ludhiana vide order, Annexure P/2 dated 21.09.2018. However, on 24.02.2020, the petitioner could not appear in Court when the case was called out for hearing whereupon the learned Chief Judicial Magistrate, Ludhiana cancelled the bail / surety bonds and ordered his presence to be secured through issuance of non-bailable warrants for 11.05.2020 as also issuance of notice to his surety for the said date, whereafter the petitioner moved an application for anticipatory bail which was dismissed by the

learned Sessions Judge, Ludhiana vide order dated 13.03.2020 on the ground that the learned trial Court had merely cancelled and forfeited his bail / surety bonds, but not the bail order and that in the circumstances, the applicant had a right to get bail by surrendering before the trial Court instead of seeking pre-arrest bail.

4. Notice of motion.

5. Mr. Hittan Nehra, learned Addl. AG, Punjab, accepts notice and states that the petitioner did not put in appearance before the learned trial Court on 24.02.2020, leading to passing of order forfeiting the bail bonds and surety and that the order, dismissing the application for anticipatory bail was rightly passed, as the petitioner has a remedy to approach the learned trial court and seek regular bail.

6. I have considered the submissions of learned counsel for the parties.

7. Admittedly, the petitioner was granted regular bail vide order Annexure P/2 dated 21.09.2018 passed by the ld. Sessions Judge, Ludhiana. However, on account of his failure to appear before the learned trial Court on 24.02.2020, the learned trial Court cancelled and forfeited his bail/surety bonds.

8. It is the stand on behalf of the petitioner that non appearance of the petitioner before the learned trial Court on 24.02.2020 was on account of circumstances beyond his control, as he could not hear his name when the same was called out for appearance before the learned trial Court. However, counsel for the petitioner has assured that the petitioner would henceforth appear before

the learned trial Court on each and every date and that no useful purpose would be served by directing the petitioner to surrender before the learned trial Court and to obtain regular bail, as investigation of the case is complete, Challan has been filed and the case is listed for framing of charges.

9. In the light of the position noted above, I deem it appropriate to dispose of the instant petition by directing the petitioner to appear before the learned trial Court on or before 15.02.2021 and on his doing so, the learned trial Court shall admit the petitioner to bail to its satisfaction subject to the petitioner depositing costs of Rs.5,000/- with the District Legal Services Authority, Ludhiana. The petitioner shall also ensure his appearance before the learned trial Court on each and every date without default, failing which, consequences would ensue.

10. Petition ***disposed of*** accordingly.

(B.S. Walia)
Judge

February 09, 2021

'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>