

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CRM-M-14292-2021

Date of Decision:26.03.2021

Jaswinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Amaninder Preet, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

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

Prayer in the present petition filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.9 dated 12.08.2016 under Sections 7, 13(2) of the Prevention of Corruption Act, 1988 and Sections 342, 34 IPC, registered at Police Station Flying Squad-I, Vigilance Bureau, District SAS Nagar (Mohali) and for setting aside the order dated 19.03.2021(Annexure P-16), whereby bail of the petitioner was cancelled and his bail bonds/surety bonds have been forfeited to the State.

Learned counsel for the petitioner submits that since there was a religious ceremony of “Akhand Path Bhog” in the house of the petitioner on 19.03.2021, he could not come present before the trial court and for such non-appearance, the application for exemption for his personal appearance

was filed. However, the same was declined by learned Special Judge, Mohali, vide order dated 19.03.2021 on the premises that on the last date of hearing also, the petitioner had not appeared and moved an application for his exemption from personal appearance on the ground that his close relative has expired. This is a case under the Prevention of Corruption Act, 1988 registered against the petitioner, the court draws the attention that the petitioner wanted to delay the proceedings by filing the applications for his exemption.

Learned counsel for the petitioner submits that non-appearance on the part of the petitioner on the relevant date was for the reason stated in the application. He refers to the Bhog of Sri Akahnd Path(Annexure P-15) dated 19.03.2021.

Notice of motion.

At this stage, Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab, has put in appearance and accepts notice on behalf of the respondent-State.

Heard.

Exemption from personal appearance was sought on the ground that there was Bhog of Sri Akahnd Path in the family of the petitioner on 19.03.2021. He has referred to the invitation of the aforesaid ceremony (Annexure P-15). The learned Special Judge has dismissed the application seeking exemption from personal appearance in the case on the ground that the petitioner is trying to delay the trial. Though, exemption cannot be granted as a matter of right, but considering the fact that the exemption for personal appearance was sought for the religious purpose i.e. Bhog of Sri Akahnd Path, scheduled to be held on 19.03.2021 and incidently, the case was fixed on the same date before the trial court, because of non-

appearance, bail has been declined to the petitioner.

Be that as it may, in the given set of circumstances, the present petition is disposed of with a direction that, in case, the petitioner appears before the learned Special Judge/trial court within a period of one week from today, he shall be admitted on bail, subject to his furnishing adequate bail bonds/surety bonds to its satisfaction. He shall also file a specific affidavit to the effect that he shall not seek further exemption, unless there is justified reason and he shall not cause delay in the trial. However, that would be subject to payment of ₹10,000/- as costs to be deposited by the petitioner with the Bar Association of this Court.

March 26, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No