

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 17386 of 2021
Date of Decision: 27.04.2021

Sunil Kumar Sabharwal

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gagandeep Singh Bajwa, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for anticipatory bail in FIR No. 278 dated 2.11.2014, under Sections 307/382/427/148/149 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Sultanwind, Amritsar City.

The petitioner was granted bail on 17.1.2015. The petitioner absented himself and the court concerned cancelled the bail. The bail bonds and surety bonds were forfeited.

Learned counsel for the petitioner submits that the petitioner was ill, hence, he failed to appear. However to show his bonafide, he offers to deposit ₹50,000/- as cash security before the trial court subject to outcome of the trial.

Learned counsel for the State opposes the prayer for grant of anticipatory bail and submits that the petitioner intentionally absented in

order to delay the trial.

There is no evidence attached with the petition to establish that the petitioner was sick on the said date, however, considering that he was on bail since 2015 and it is only in 2020 that on one date he absented, the offer made by the petitioner is accepted.

The machinery provisions provided in the Code of Criminal Procedure are to ensure the presence of the accused as and when required during the trial. The idea behind is that there should be speedy conclusion of the trial. The offer made by the petitioner, if accepted, ensures the presence of the accused during the trial.

Considering the facts and offer made by the petitioner, the petitioner is granted bail subject to deposit of ₹ 50,000/- in cash, with the trial Court subject to outcome of the trial Court. The amount deposited shall be kept in an FDR in any nationalized bank. In case of failure of petitioner to appear before the trial Court, as and when called for, the amount deposited shall be forfeited.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

27th April, 2021
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1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes