

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

102

**CRM-M-18337-2021
Date of Decision: 11.05.2021**

Fateh Ali Khan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Imran Farooqi, Advocate for petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. has been moved by petitioner-**Fateh Ali Khan** for grant of pre-arrest bail in case FIR No.91 dated 29.12.2018 under Sections 201, 379-B and 473 IPC read with Section 34 IPC, registered at Police Station Thulliwal, District Barnala.

Learned counsel for the petitioner *inter alia* contends that previously petitioner was admitted to regular bail in the instant case FIR, vide order dated 03.07.2019 and he used to appear before the Trial Court on each and every date of hearing. He further urges that on 25.03.2021, petitioner could not appear before Trial Court solely for the reason as he was unaware of the fact that regular hearing had started in the Trial Court after lockdown on account of COVID-19. He further urges that on account of non appearance of petitioner, Trial Court has ordered for cancellation of his bail bonds and issued warrant of arrest against him

CRM-M-18337-2021

-2-

returnable for 12.04.2021. He further urges that petitioner is ready to surrender before the Trial Court at the earliest and, thus, appropriate relief may be granted to him.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Additional Advocate General, Punjab, accepts notice on behalf of respondent-State. Complete copy of paper book has been supplied to him in Court.

A bare perusal of record of the case reveals that though petitioner used to appear before the Trial Court on each and every date of hearing but on account of his single default and that too on account of bonafide shown at his instance, he cannot be made to suffer.

In view of above, instant petition for grant of pre-arrest bail to the petitioner is disposed of in the manner that petitioner-accused is directed to surrender before the Trial Court/ Duty Sessions Judge, Barnala, as the case may be, within ten days positively from today and on surrender, he shall be enlarged on bail on his furnishing personal/surety bonds to the satisfaction of Court concerned. Meanwhile, no coercive steps shall be initiated against the petitioner pursuant to warrant of arrest already issued against him.

(LALIT BATRA)
JUDGE

11.05.2021

Varinder Prashad

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No