

**111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-23224-2021
Decided on : 16.06.2021

Rinku @ Rahul

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. H.S.Saini, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case bearing FIR No.138 dated 20.06.2018 under Sections 61, 1, 14 Excise Act registered at Police Station Tripri District Patiala.

Learned counsel for the petitioner contends that the petitioner is 100% disabled person and in support of his submission, he has placed reliance upon the Disability Certificate dated 16.01.2003 (Annexure P-5). Learned counsel for the petitioner submits that the Court below extended the concession of regular bail to the petitioner in the aforementioned case for having been found in possession of 15 bottles of country made liquor. He further submits that pursuant to the grant of regular bail, petitioner was regularly appearing on each and every date, however, on 19.09.2019 (Annexure P-3) neither his counsel nor he himself appeared in the Court as a result of which non bailable warrants of arrest were issued leading to the cancellation of bail of the petitioner. Learned counsel for the petitioner submits that the absence of the petitioner was neither intentional nor willful.

He further submits that the petitioner is willing and ready to appear and surrender before the Court below and would thereafter move his bail application under Section 439 of the Cr. P.C. It has, however, been prayed that the Court below may be directed to decide the petitioner's bail application in a time bound manner on his appearance and surrender before the Court below.

In view of the specific stand taken by the learned counsel for the petitioner, this petition stands disposed off with a direction to the Court below that in case, the petitioner appears and surrenders before the Court below within one week from today and moves an application for bail under Section 439 Cr.PC, the Court concerned shall decide the same as expeditiously as possible preferably within three days, in accordance with law.

16.06.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No