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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 34782 of 2021 (O&M)
Decided on: 25.08.2021

Harpreet Singh @ Happo ....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Bhupinder Ghai, Advocate for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of anticipatory bail to the petitioner in FIR No.78 dated 27.09.2015 registered under Sections 399, 402 IPC and 25/24/54/59 of the Arms Act at Police Station Rawalpindi, District Kapurthala.

The new ground for filing this petition is that in another FIR wherein the petitioner was granted regular bail and he absented from the Court proceedings, this Court vide order dated 09.08.2021 in FIR No.80 dated 27.09.2015 under Sections 24/25/54/59 of the Arms Act, Police Station Rawalpindi, District Kapurthala, which was registered on the same day when the present FIR No.78 was registered and the petitioner was declared proclaimed offender, he was granted the relief of appearing before the trial Court on or before 10.09.2021 and the trial Court was directed to grant him bail subject to furnishing bail/surety bonds and on depositing of costs of Rs.25,000/-.

Counsel for the petitioner has further submitted that at the time when the first bail application was filed, these facts could not be brought to the notice of the Court that the petitioner was granted regular

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bail by the Additional Sessions Judge, Kapurthala, vide order dated 25.02.2016, considering the fact that the petitioner was in custody since 27.09.2015. However later on, he absented from the Court proceedings and was declared a proclaimed offender on 20.09.2019. It is also submitted that even in FIR no.80, there was a similar situation as the petitioner could not appear and he has been granted the interim relief by the Co-ordinate Bench of this Court.

Notice of motion.

Mr. H.S. Multani, AAG, Punjab, who is present in the Court accepts notice on behalf of the respondent – State and has not disputed the factual position.

Having heard learned counsel for the parties and taking into account the facts of the present case, this petition is disposed of with the observation that the petitioner may appear before the learned trial Court on or before 10.09.2021. On his doing so, he shall be enlarged on bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the concerned Court to continue appearing as and when required apart from following all the terms and conditions fixed in this respect.

This shall, however, be subject to the petitioner depositing a sum of Rs.25000/- with the Punjab & Haryana High Court Advocates Welfare Fund within a period of two weeks from today.

(ARVIND SINGH SANGWAN)
JUDGE

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Whether speaking/reasoned Yes/No
Whether reportable: Yes/No

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