

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

103

CRM-M-41678-2021(O&M)

Date of Decision: 05.10.2021

Jaspreet Singh @ Sahil

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Mohit Vashisht, Advocate for the petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

CRM-33219-2021

Allowed, as prayed for.

Main case

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been moved by petitioner in case F.I.R. No.113 dated 19.06.2009 under Sections 120-B, 148, 186, 307, 332, 333, 353 and 394 IPC read with Section 149 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Sadar Ludhiana, District Ludhiana,

Learned counsel for the petitioner *inter alia* contends that petitioner was arrested in this case on 25.06.2009 and he was admitted to bail by this Court, vide order dated 19.02.2010 passed in CRM-M-2296-2010. He further submits that petitioner used to appear before the Trial Court on each and every date of hearing, however, he could not appear in Trial Court on 23.08.2021, 07.09.2021 and 14.09.2021 and vide order dated 14.09.2021 (Annexure P-5), on account of non-appearance of petitioner in the instant FIR, after cancellation of his bail order, his presence was ordered to be secured through warrants of arrest. He further submits that petitioner could not appear before Trial Court solely for the reason that he was confined in jail in case FIR No.215 dated

15.09.2011 under Section 61 of the Punjab Excise Act, registered at Police Station Division No.7, Ludhiana. He further submits that petitioner was granted concession of bail by Sessions Court, Ludhiana, in case FIR No.215 dated 15.09.2011, as detailed above, vide order dated 17.09.2021 (Annexure P-6). He further submits that since absence of petitioner in the Trial Court on 23.08.2021, 07.09.2021 and 14.09.2021 was beyond his control and especially in view of the fact that he was in custody in abovesaid case FIR, he cannot be made to suffer. He further submits that petitioner is willing to submit himself before the Trial Court to join proceedings of trial in instant case FIR.

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 paperbook has been supplied to him in Court.

In view of above, since non-appearance of petitioner in the Trial Court on 23.08.2021, 07.09.2021 and 14.09.2021 was not on account of default at his instance and especially in view of the fact that he was confined in jail in some other case FIR, wherein he was admitted to bail by Sessions Court on 17.09.2021, instant petition for grant of pre-arrest bail to the petitioner is disposed of in the manner that petitioner (accused) shall surrender before Trial Court within 10 days positively from today and on surrender, he shall be admitted to bail, on his furnishing personal/ surety bonds to the satisfaction of Trial Court. Meanwhile, no coercive steps shall be taken against the petitioner qua warrants of arrest already issued against him in the instant case FIR by the Trial Court.

05.10.2021

d.gulati

(LALIT BATRA)
JUDGE

Whether speaking/ reasoned :
Whether Reportable

Yes/ No
: **Yes/ No**