

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

CRM-M-42601 of 2021

DECIDED ON: 8th October, 2021

Jaswant Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Akashdeep Singh, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 438 Cr.P.C. is filed for grant of anticipatory bail in case of FIR No.23 dated 9.11.2012, under Sections 409, 420, 467, 468, 471, 120-B IPC, 1860, Section 13(1)(D), 13(2) of Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau Patiala.

The petitioner was granted bail vide order dated 29.5.2013. As per the pleadings, the petitioner was regularly appearing before the Court. On 30.9.2021 an application for exemption from personal appearance was moved on the ground that the petitioner had gone to his native place for performing Sharad of his father. The application was rejected. The matter was kept post lunch for appearance of the petitioner. On failure to appear, non-bailable warrants of the petitioner and notice to surety was issued.

Learned counsel for the petitioner submits that the petitioner has informed in advance to the investigating agency and moved an application for exemption before the Court stating the reasons for his non appearance. He further submits that to show the *bonafide*, the petitioner is ready to deposit Rs.50,000/- with the trial Court subject to the outcome of the trial.

Learned State counsel opposes the prayer for grant of anticipatory bail and submits that the petitioner absented in order to delay the trial.

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 fact that an application was moved for exemption from personal appearance. The petitioner was not available at Patiala on the said date for the reasons stated in the application. Short time was granted for his appearance i.e. in post lunch session. The offer made by the petitioner is reasonable.

Let the petitioner appear before the Court concerned on 13.10.2021 and deposit Rs.50,000/-, which shall be subject to the outcome of the trial. The Court concerned shall be at liberty to impose any further condition to ensure his presence in future. The amount deposited shall be kept in fixed deposit with nationalized bank. In case the petitioner fail to appear as and when called, the same shall be forfeited.

Disposed of.

In case of failure of the petitioner for whatsoever reason either to appear on 13.10.2021, or to deposit the amount as offered, the order passed today shall stand vacated without reference to Court.

(AVNEESH JHINGAN)
JUDGE

8th October, 2021

reema

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>