

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

108

CRM-M-43926-2021

Date of Decision : October 18, 2021

AMARJEET SINGH @ AMRIT

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Dr. Sumati Jund, Advocate
for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.46 dated 16.6.2019, under Sections 399 and 402 IPC, registered at Police Station, City Nakodar, District Jalandhar Rural.

The learned counsel for the petitioner has submitted that the petitioner was granted regular bail by this Court in CRM-M-35620 of 2019 vide Annexure P-2. Thereafter the petitioner had been regularly appearing before the learned trial Court. However, he was absented from the trial on 17.8.2021 and on that date he was directed to be summoned through non-bailable warrants for 17.9.2021 vide Annexure P-7. Thereafter on 17.9.2021 vide Annexure P-8 again the petitioner was not present and again non-bailable warrants were issued against the petitioner. She has submitted that the absence of the petitioner was not wilful in view of the fact that the petitioner was not aware of the dates

fixed before the learned trial Court and, therefore, the petitioner may be considered for the grant of anticipatory bail.

I have heard learned counsel for the petitioner.

A perusal of the orders Annexures P-7 and P-8 would show that vide Annexure P-7 on 17.8.2021 the petitioner alongwith three co-accused did not present themselves and against all the four accused non-bailable warrants were issued. However, on the next date of hearing i.e. 17.09.2021 (Annexure P-8) one of the co-accused, namely, Shivam, who was earlier absented himself from appearing before the learned trial Court, surrendered before the trial Court and was released on bail. However, three of the other co-accused including the petitioner still did not present themselves and surrendered before the trial Court and therefore, fresh non-bailable warrants were issued against the petitioner and co-accused on 17.09.2021. The FIR in the present case was registered against the petitioner under Sections 309 and 402 IPC and 25 of the Arms Act and charges have been framed against the petitioner vide Annexure P-4 and therefore, the plea taken by learned counsel for the petitioner that the petitioner was not aware of the dates before the learned trial Court cannot be accepted. It was not the absence for one date but it was the absence for two dates and such kind of justification is not acceptable particularly in view of the fact that co-accused, namely, Shivam had appeared on the next date and was granted bail. The petitioner has jumped the bail granted by this Court and therefore, does not deserve the concession of anticipatory bail from this Court.

Finding no merit in the present petition, the same is hereby,
dismissed.

October 18, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No