

Soni @ Sonu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Neetu Singh Aashat, Advocate
For the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
266	28.12.2019	Kothwali, District Bathinda	379-B,34,411,413 of Indian Penal Code 1860

The petitioner, apprehending arrest in the FIR captioned above, came up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

NOTICE

2. **Mr. Harsimar Singh Sitta**, AAG, Punjab, waives service and accepts notice on behalf of the respondent/State and opposes the accused's interim protection from arrest. Since the State has instructions as such this matter is being heard finally today.
3. Learned counsel for the petitioner is praying for anticipatory bail as he jumped the bail before the learned trial Court due to some unavoidable circumstances. Therefore, the trial Court cancelled his bail bonds, forfeited the same to the State and issued non-bailable warrants of arrest. Ld. Counsel for the petitioner further contends that the custodial investigation would serve no purpose whatsoever and incarceration before the proof of guilt would cause grave injustice to the petitioner and family.
4. While opposing the bail, the alternative contention on behalf of the State is that if this Court is inclined to grant bail, such a bond must be subject to very stringent conditions.

REASONING:

5. The explanation offered by the petitioner for non-appearance is that he was ill. The petitioner has mentioned the fact of his illness in para 5 of the petition, which is extracted as follows:-

“5. That it would not be out of place to mention here that the petitioner was suffering from high fever on 17.08.2021 and the petitioner has even informed the Clerk of his counsel before the ld. Trial Court to file an application seeking his personal exemption but the Clerk of the counsel has neither informed his counsel about the deteriorating health of the petitioner nor moved an application before the ld. Trial Court.”

6. In view of the averments made, this Court is inclined to grant him one opportunity.

7. Given the gravity of accusations and the heinous nature of the offence, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within 30 days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case, nor shall the trial Court advert to these comments.

9. Thus, the petition is allowed. The order dated 17.08.2021 is set aside and the bail bonds are revived. It is further clarified that the petitioner shall continue to appear before the trial Court and in case, he deliberately avoids appearance, it shall be a factor which shall be taken against him in the next default.

(ANOOP CHITKARA)
JUDGE

23.11. 2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No