

CRM No.M-50820 of 2021

DATE OF DECISION: 06.12.2021

Gurjit Singh @ Tota

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bikramjit Singh Randhawa, Advocate for
Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General,
Punjab for the respondent-State.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for the grant of pre-arrest bail in FIR No.340 dated 16.07.2017 registered under Sections 379-B, 34 IPC, 1860 and Sections 379, 411 IPC (added later on) at Police Station Civil Lines, Police Commissionerate, Amritsar.

Learned counsel for the petitioner argues that the petitioner was already on bail in the present case but due to unavoidable circumstances, he could not appear on one date fixed before the trial Court i.e. 07.10.2021 and on the same date without ascertaining the facts or reason for the absence of the petitioner, straightway the trial Court canceled the bail bonds and issued the arrest warrants. He further submits that the petitioner had already filed an application seeking exemption from appearance on the said date, which request was not accepted. Learned counsel for the petitioner undertakes that henceforth, the petitioner will

attend all the proceedings fixed by the trial Court unless and until, an exemption is granted by the Competent Court of Law. The prayer of the petitioner is that he is ready to join the trial and he may be granted the concession of pre-arrest bail.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State Counsel submits that once the petitioner was granted concession of bail, it is the duty of the petitioner to comply with the terms and conditions and as the petitioner failed to comply with the terms and conditions of bail order, the trial Court had rightly cancelled the bail and issued arrest warrants.

I have heard the learned counsel for the parties and gone through the record of the case with their able assistance.

In the present case, the petitioner has given a reason for not appearing before the trial Court and for the said purpose, even the application for the grant of exemption was filed. Be that as it may, once the petitioner has now undertaken before this Court that henceforth, the petitioner will join all the proceedings fixed by the trial Court unless and until, granted prior exemption by the Competent Court of Law, no useful purpose will be served by sending the petitioner behind the bars during the trial and another opportunity is be granted to the petitioner to join the proceedings of the trial.

In case, the petitioner surrenders before the trial Court within a period of 07 days, he be admitted to anticipatory bail so as to join the trial proceedings.

No further action be taken on the notice, if any, issued to the

surety by the trial Court after cancellation of the bail of the petitioner,
keeping in view the order passed today.

Petition is allowed in above terms.

December 06, 2021

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No