

102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-No.52270 of 2021
Date of Decision : 15.12.2021

Kuldeep Singh @ Roni ...Petitioner
Versus
State of Punjab ...Respondent

CORAM : HON’BLE MR. JUSTICE ANOOP CHITKARA

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

ANOOP CHITKARA, J (ORAL)

FIR No.	Dated	Police Station	Sections
0104	03.09.2020	Sandaur, District Malerkotla.	341, 323, 506 and 34 of IPC, 1860.

1. Apprehending arrest in the above captioned FIR, the accused has come up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

Notice.

2. Mr. Harsimar Singh Sitta, learned Assistant Advocate General, Punjab waives service, and accepts notice on behalf of the respondent State.

3. The limited prayer for which the petitioner has come up before this Court is for setting aside the non-bailable warrants which were issued against him because of his non-appearance vide order dated 27.10.2021 (Annexure P-2). Learned counsel for the petitioner has argued that inadvertently wrong date was noted by his counsel appearing before the learned trial Court and the petitioner could not appear on the date fixed. He further submits that the bail bonds already furnished by the petitioner were forfeited to the State.

4. The explanation offered by the learned counsel for the petitioner for his non-appearance before the learned trial Court is *bona fide*. Be that as it may, given the nature of allegations and the age of the petitioner/accused, this Court is inclined to give bail to the petitioner subject to the condition that the petitioner shall appear before the learned trial Court on 20.12.2021 and after that on each and every date as and when called upon to do so. Bail bonds already furnished by the petitioner/accused stands restored since the petitioner is a poor person. Bail bonds are restored on the same terms and conditions that the petitioner shall appear before the learned trial Court on 20.12.2021 and in case he does not appear on that day for the reasons beyond his control, then he may appear on 21.12.2021.

5. The petitioner shall provide his permanent address along with the phone number linked with AADHAR card, the other phone numbers (if any), and e-mail

(if any) in the shape of affidavit in the trial Court. In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from

such modification, intimate about the change to the concerned Police Station and to the concerned Court.

6. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.

7. The petitioner shall, under no circumstances, contact, call, text, remarks, stalk, stare, make any gestures, show or express any unusual or inappropriate, verbal or otherwise objectionable behavior, to or in front of the victim, either physically or through any other mode, or roam around the victim's home, and shall also stay away from the victim.

8. The petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority before the next date 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.

9. In case the petitioner finds the bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for modification of such term(s), the petitioner may file a reasoned application before this Court, and after taking cognizance, even to the Court taking cognizance or the trial Court, as the case may be, and such Court shall also be competent to modify or delete any condition.

10. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation per law.

11. 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.

12. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer/prosecutor/Court want to verify the authenticity, such person can also verify its authenticity or may download and use the downloaded copy for attesting bonds.*

13. Given the facts and circumstances peculiar to this case, the petition is allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

December 15, 2021
Manpreet