

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

101

CRM-M-53880-2021
Date of Decision : 23.12.2021

Gurdev Singh @ Deba**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Inder Pal Singh, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.109 dated 14.07.2017 registered under Section 399 & 402 of the IPC (Section 307 of the IPC added later on) and Sections 25, 27 and 54 of the Arms Act, 1959 at Police Station Jhabal, District Tarn Taran.

Learned counsel for the petitioner argues that keeping in view the fact that a wrong date was noted by the petitioner, the petitioner could not appear before the trial Court on 07.10.2021 and on the same date itself, the bail of the petitioner was cancelled and bail bonds as well as surety bonds were forfeited. Learned counsel for the petitioner submits that absence of the petitioner on the said date was not intentional but, due to said fact, and therefore, as the petitioner is ready to join the proceedings before the trial Court and henceforth, he will remain more vigilant and will attend

all the proceedings before the trial Court without fail unless and until the petitioner is granted a prior exemption by the competent Court of law, he be granted the benefit of anticipatory bail,

Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent-State.

Learned counsel for the respondent-State submits that as the petitioner has violated the conditions of bail, the order passed by the trial Court is within jurisdiction and no interference is called for by this Court.

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

No doubt, once the petitioner was granted the benefit of bail with the clear intent that the petitioner will fully cooperate with the trial Court without seeking any unnecessary adjournment, it was the duty of the petitioner to attend all the proceedings and in case of any difficulty, he should have prayed for the grant of exemption by filing appropriate application.

By giving a benefit of doubt that absence of the petitioner was due to the fact that he had noted a wrong date of hearing coupled with the fact that the petitioner has undertaken before this Court that henceforth, he will attend all the proceedings before the trial Court unless and until an exemption is granted by the competent Court of law, no useful purpose will be achieved in sending the petitioner behind the bars. In case, the petitioner appears before the trial Court and hence, he be extended the benefit of anticipatory bail subject to the satisfaction of the trial Court/Illaq

Magistrate.

If permissible, the bail bonds already submitted by the petitioner, be restored.

The present petition is disposed of in above term

December 23, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No