

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH V.C.)

CRM-M-434-2022

Date of Decision: 7.1.2022

Gurdev Singh

....Petitioner

VERSUS

State of U.T., Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amandeep Singh Gulati, Advocate, for the petitioner.

KARAMJIT SINGH, J. (Oral)

Present petition has been filed by the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail to him in case having FIR No.352 dated 14.9.2012 registered under Sections 420, 511, 467, 468 IPC at PS Sector 3, Chandigarh.

Counsel for the petitioner has *inter alia* contended that the petitioner was granted anticipatory bail by this Court vide order dated 15.1.2013 (Annexure P-3) and thereafter, he was regularly appearing in the trial Court but due to some medical complications, he failed to appear in the Court concerned on the date fixed i.e. 24.9.2021 and consequently, his bail bonds were cancelled and he was directed to be summoned through non-bailable warrants.

Counsel for the petitioner referred to discharge slip Annexure P-5 of Government Medical College & Hospital, Sector 32, Chandigarh, as per which, the petitioner was admitted in the said hospital on 24.9.2021 and

Notice of motion.

Mr. Rajeev Anand, APP, UT Chandigarh, accepts notice on behalf of State of U.T., Chandigarh and supported order dated 2.12.2021 passed by the Court of Additional Sessions Judge, Chandigarh whereby the bail application moved by the petitioner under Section 438 Cr.P.C. was dismissed by the said Court.

I have considered the submissions made by the counsel for the parties.

From the perusal of Annexure P-5, it is apparent that on the date fixed in the trial Court i.e. 24.9.2021, the petitioner was admitted in the aforesaid hospital for his medical treatment. It being so, absence of the petitioner in the trial Court on 24.9.2021 cannot be said to be intentional.

Consequently, the present petition is hereby disposed of with direction to the petitioner to appear before the trial Court on or before the next date fixed there and on his appearance, he is directed to be released on regular bail by the said Court subject to his furnishing fresh bail/surety bonds to the satisfaction of the said Court. However, trial Court will be at liberty to proceed against the petitioner under Section 446 of Cr.P.C.

January 7, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No