

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CRM-M-1389-2022

Date of Decision : January 14, 2022

Baljinder Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Judgepreet Singh Warring, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

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.55 dated 27.03.2019 registered under Section 15 of the NDPS Act, 1985 at Police Station Sangat, District Bathinda.

Learned counsel for the petitioner submits that the petitioner was granted regular bail in the above said FIR on 05.09.2019 and thereafter, the petitioner was regularly attending the proceedings of the trial Court but unfortunately, the petitioner could not appear before the Court on 01.11.2021 as he had wrongly noted the said date as 11.01.202 and on the said date, without giving any opportunity to the petitioner to explain the absence, his bail along with the surety bonds as well as bail bonds were cancelled and forfeited respectively and non-bailable warrants were issued

to secure his presence. Learned counsel for the petitioner further submits that the petitioner is ready to join the proceedings and absence of the petitioner on 01.11.2021 was due to the facts submitted hereinbefore, which was unintentional and the petitioner undertakes before this Court that henceforth, the petitioner will attend all the proceedings of the Court and will not absent from the proceedings unless and until the petitioner is granted exemption prior to the date fixed.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that non-appearance of the petitioner is violation of the condition of the bail and therefore, no grievance can be raised by the petitioner against the order passed by the trial Court dated 01.11.2021 cancelling his bail and forfeiting his bail bonds as well as surety bonds.

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

No doubt, once the petitioner has been extended the concession of bail, it becomes duty of the petitioner to comply with the said conditions including attending of the proceedings fixed before the trial Court without fail unless and until granted exemption. By giving a benefit of doubt to the petitioner, as a one time measure, as the petitioner is ready to join the proceedings, let the petitioner surrender before the trial Court within a period of 10 days from today and in case, the petitioner surrenders before

the Court, he be extended the concession of anticipatory bail.

If permissible, the earlier bail bonds and surety bonds though cancelled, can be revived, the said benefit be also extended to the petitioner on the date petitioner surrenders.

It is made clear that in case the petitioner does not surrender within a period of next ten days as undertaken by the learned counsel for the petitioner, this order shall not come to his rescue at all.

The present petition is allowed in above terms.

January 14, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? : Yes
Whether reportable? : Yes