

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(289)

CRM-M-4486-2022 (O&M)

Date of decision: - 04.05.2022

Ashok Kumar Shukla

....Petitioner

Versus

State of UT Chandigarh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. N.S. Kamboj, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, Addl. P.P., U.T., Chandigarh.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in complaint case NACT No.12312 of 2017 (DOI 07.12.2017) titled as 'Manjit Singh Vs. Ashok Kumar Shukla etc., in which, non-bailable warrants have been issued by the trial Court, vide order dated 16.11.2021.

On 03.02.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter alia contends that though initially the petitioner was declared a proclaimed offender on 05.12.2018 he surrendered before the Trial Court and was granted regular bail; till February 2020 the petitioner regularly appeared before the Trial Court; thereafter due to COVID-19 there was restricted functioning of the Courts and therefore the petitioner did not appear before the Trial Court; no notice was served upon the

petitioner to appear before the Trial Court on 13.08.2021, 26.08.2021, 13.09.2021, 16.11.2021 and 22.12.2021 and that the petitioner shall appear on all subsequent dates in his trial unless specifically exempted.

Notice of motion.

Ms. Simsi Dhir Malhotra, Addl. P.P., UT, Chandigarh accepts notice on behalf of the respondent.

Adjourned to 04.05.2022.

Subject to deposit of Rs.10,000/- as costs with the Poor Patient Welfare Fund, PGI MER, Chandigarh and thereafter on appearance before the Trial Court within 10 days from today, the petitioner shall be admitted to ad interim bail to the Trial Court's satisfaction.

The Trial Court is further directed to expedite the petitioner's trial and before the adjourned date file a report in this regard.

03.02.2022

**(DEEPAK SIBAL)
JUDGE”**

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has appeared before the trial Court on 10.02.2022 and had even deposited an amount of Rs.10,000/-. The relevant part of order dated 10.02.2022 passed by the JMIC, Chandigarh, is reproduced herein below: -

"An application for acceptance of interim bail allowed to the applicant by the Hon'ble High Court vide order dated 03.02.2022 passed by the Hon'ble Mr Justice Deepak Sibal of the Punjab and Haryana High Court Chandigarh whereby the Hon'ble Court has directed the applicant to appear before the Trial Court within 10 days of the order passed on 03.02.2022, subject to deposit of Rs.10,000/- as cost with the poor patient welfare fund PGIMER, Chandigarh and thereafter on appearance before the Trial Court within 10 days the applicant was allowed to be admitted to an interim bail to the satisfaction of the Court. The cost of Rs.10,000/- with the poor patient welfare fund PGIMER, Chandigarh has already been deposited.

Heard. Accused is admitted to bail on furnishing the bail bonds to the time of 50,000/- with one surety in the like amount. Bail bonds and surety bonds furnished, same are accepted and attested. Now to come up on 11.03.2022 for further proceedings.

*Date of Order: 10.02.2022
Parveen Kumar, Steno-III*

*Mandeep Singh Kainth
JMJC/Chandigarh
(UID No.PB0491)"*

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 03.02.2022 and also the fact that the petitioner has appeared and has deposited the amount of Rs.10,000/- before the trial Court, the present petition is allowed and the interim order dated 03.02.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

May 04, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No