

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-4337-2022
Decided on : 03.02.2022

Jagpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navjot Singh, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.19 dated 16.03.2021 (Annexure P-1) under Sections 376-B and 377 IPC, 1860 registered at Police Station Maloud, Khanna District Ludhiana.

Learned counsel for the petitioner inter alia contends that FIR in question came into the existence on account of a matrimonial dispute between the parties. He submits that the petitioner, who is serving in CRPF and is posted in Kashmir, had been extended the concession of regular bail by the trial Court on 15.04.2021 (Annexure P-2) and subsequent to the grant of bail, petitioner had been regularly appearing before the Court concerned on each date, however, on 21.12.2021 he could not attend the Court proceedings and was unable to communicate with his counsel as there were network issues on account of the bad weather conditions at his place of posting in Kashmir. He, thus, submits that it was because of genuine reasons, which were beyond his control, he absented from the Court proceedings, which resulted in his bail being cancelled and non-bailable

warrants being issued against him. It has also been submitted that even as on date, the petitioner is still stuck in Kashmir on account of the prevailing weather conditions there, however, he undertakes to appear and surrender before the trial Court within four weeks from today.

Heard learned counsel for the petitioner and perused the material available on record.

Learned counsel for the petitioner has failed to satisfy this Court qua the maintainability of the instant petition under Section 438 Cr.PC.

However, in the peculiar facts and circumstances and particularly for reasons which seemingly were beyond the control of the petitioner, he shall appear and surrender before the trial Court on or before 02.03.2022. On his appearance and surrender, the petitioner would be at liberty to move an appropriate application before the Court concerned for grant of bail, which shall be decided expeditiously within four days in accordance with the provisions of law. Meanwhile, no coercive steps shall be taken against the petitioner till 02.03.2022.

Accordingly, the present petition stands disposed of in the above terms. However, it is clarified that in case, the petitioner fails to appear and surrender on or before 02.03.2022, this order shall be of no avail to him.

03.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking:	Yes/No
Whether reportable:	Yes/No