

CRM-M-18121 of 2022

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

CRM-M-18121 of 2022

Date of Decision: 02.05.2022

Mukesh Kumar Puri @ Kalu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Munish Puri, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

Prayer is for grant of interim bail and setting aside orders dated 23.03.2022 and 12.04.2022 vide which his bail has been cancelled with non-bailable warrants having been issued because of his non-appearance.

The petitioner is an accused in case FIR No.35 dated 28.04.2013 under Sections 457,380,411 IPC registered at P.S Division No.1, Pathankot. Having been convicted and sentenced to undergo RI for two years and to pay a fine of Rs.2000/- under Section 411 IPC vide judgment /order of sentence dated 23.02.2018, he filed an appeal before the learned Addl. Sessions Judge, Pathankot. He was regularly appearing before the said Court. Due to absence of the petitioner on one of the dates i.e 23.03.2022, as fixed by the learned Appellate Court, bail bonds and surety bonds of the petitioner were cancelled and his presence has been ordered to be secured through non-bailable warrants.

Learned counsel for the petitioner states that his non-appearance was not intentional. In fact, he got confused as the Government of Punjab had declared holiday for 23.03.2022 on the eve of Martyrdom day

of Shaheed Bhagat Singh and due to certain misunderstanding, he could not cause his appearance on the date fixed. He undertakes that the petitioner shall appear before the learned Appellate Court on the date fixed or any date to be fixed by this Court.

Notice of motion.

Mr. B.S. Sewak, Addl.AG, Punjab, accepts notice on behalf of the respondent-State.

Having heard learned counsel for the parties and taking into account the facts of the present case, this petition is disposed of with the observation that the petitioner may appear before the learned Appellate Court on or before 24.05.2022. On his doing so, he shall be enlarged on bail by the Appellate Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the concerned Court to continue appearing as and when required apart from following all the terms and conditions fixed in this respect.

This shall, however, subject to the petitioner depositing a sum of Rs.10,000/- with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

Till then, execution of non-bailable warrants against the petitioner shall remain stayed.

May 02, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No