

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31536-2022

Date of decision : 22.7.2022

Sukhdev Singh

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. G.S. Verma, Advocate
for petitioner.

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HARINDER SINGH SIDHU, J.

This is petition filed under Section 438 Cr.P.C. for grant of anticipatory bail.

The petitioner was an accused in case FIR No. 23, dated 20.3.2018 registered under Sections 379, 511 IPC and under Section 21 of Mining and Minerals (Development and Regulation) Act, 1957 at Police Station Koom Kalan, District Ludhiana. FIR was registered on the basis of secret information that petitioner is indulging in activities of illegal excavation of sand from Satluj river and today i.e. on 20.3.2018, he is going to load the said sand in his tractor trolley. On the basis of secret information, a raid was conducted and petitioner was apprehended from spot alongwith stolen sand loaded in tractor trolley.

The petitioner filed application for regular bail before trial Court which was dismissed vide order dated 18.4.2018 of learned Additional Sessions Judge, Ludhiana. Thereafter, he filed regular bail petition (CRM-M-19183-2018) before this Court. This Court, vide order dated 11.5.2018, granted concession of regular bail to petitioner.

Learned counsel for petitioner has argued that after getting bail from this Court, petitioner was regularly appearing and attending the Court proceedings. The challan was filed and charges were framed on 6.7.2018. Thereafter, the case was fixed for evidence on 21.5.2022. On that day, PW4 was examined in the presence of petitioner and case was adjourned to 2.7.2022. It was only on one date i.e. 2.7.2022 that petitioner did not appear before the Court as he had noted wrong date. Because of which the bail bonds and surety bonds were forfeited and non bailable warrants were issued against him for 17.8.2022 by learned Additional Sessions Judge, Ludhiana.

Learned counsel for petitioner states that it was never the intention of petitioner to evade the process of Court. Petitioner is ready and willing to appear before the trial Court. He states that the next date before trial Court is 17.8.2022.

Notice of motion.

Mr. B.S. Sewak, Additional A.G. Punjab accepts notice on behalf of respondent State.

This petition is disposed of with a direction to petitioner to appear before trial Court on or before 17.8.2022 i.e. the date already fixed before trial Court. On his doing so, he shall be admitted to bail by trial Court to its satisfaction. This shall however be subject to petitioner's depositing an amount of Rs. 5,000/- (Rupees five thousand only) with Director, PGI Chandigarh Poor Welfare Patient Fund. The petitioner shall also file an undertaking to appear before the trial Court on each and every date of hearing.

(HARINDER SINGH SIDHU)
JUDGE

22.7.2022
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No