

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

105

CRM-M-35232-2022
Date of decision:09.08.2022

Vishal Bhatti @ Shela

...petitioner

Vs

State of Punjab

...respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Proxy counsel for
Mr.Sukhjit Singh, Advocate
for the petitioner

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.187, dated 23.05.2016, having been registered at Police Station Civil Lines, Amritsar, alleging therein the commission of offences punishable under the provisions of Sections 341,323,506,148 and 149 of the IPC (with Section 295-A of the IPC having been added later).

Learned counsel for the petitioner submits that all offences as were originally alleged to have been committed as per the FIR, are bailable offences; and therefore the petitioner had been admitted to bail in the context of those offences but with the offence punishable under Section 295-A of the IPC having been subsequently added.

Having considered the matter, without making any comment on the merits of the entire case, including the offence allegedly committed under

the provisions Section 295-A of the IPC, which does not find any mention in the FIR; as regards this petition, seeking that the petitioner to be admitted to anticipatory bail, it has to be observed that even in the context of bailable offences, once he absented himself before the trial Court obviously his bail bonds were bound to be cancelled/forfeited and therefore this petition does not deserve to be allowed and is therefore dismissed.

However, upon the petitioner surrendering before the trial Court and upon his filing any petition under Section 439 Cr.P.C that would be considered wholly on its own merits, with the trial Court to naturally go into the issue of admitting the petitioner to bail in the context of even Section 295-AIPC, looking at all the circumstances including the contention of the petitioner that actually no such offence was committed and it has only been added subsequently once the petitioner was admitted to bail, only because it is a non-bailable offence.

(AMOL RATTAN SINGH)
JUDGE

09.08.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No