

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-37660-2022

Decided on 29.10.2022

Jasvir Singh

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. AS Sandhu, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks anticipatory bail and to quash the order dated 18.07.2022 (Annexure P5) passed by Addl. Sessions Judge, Patiala in case CRA No.1107 dated 18/19.2018 (Annexure P3) whereby the bail bonds and surety bonds were forfeited and warrants of arrest were issued for 13.09.2022.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG Punjab accepts notice.

Learned counsel for the petitioner submits that in pursuance to the order dated 24.08.2022, the petitioner has been regularly appearing before the trial court prior to 13.09.2022 and an application was also moved whereby his exemption from personal appearance on previous date i.e. 18.07.2022 was sought and an order dated 13.09.2022 was passed. A copy of the order dated 13.09.2022 passed by the trial court is produced in Court and taken on record is marked as "Mark A".

The Court below has also observed in the order that there is no need for furnishing fresh bail bonds and surety bonds and now the appeal is listed for 11.11.2022 for arguments before the lower appellate court on which date the petitioner is expected to appear without any default.

In view of the above, this Court is satisfied that the petitioner will not be absent again before the court below during the hearing of the appeal as has been undertaken by the counsel appearing on his behalf.

Accordingly, the present petition is allowed and the order dated 18.07.2022 (Annexure P5) is hereby quashed.

Since the petitioner is regularly appearing before the court below, after 13.09.2022, this Court is sanguine of the fact that no fruitful purpose would be served by arresting the petitioner in the matter and sending him behind the bar and, therefore, the prayer under Section 438 CrPC is also accepted and the petitioner is directed to join the investigation and shall come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

29.10.2022
V.Vishal

(Sandeep Moudgil)
Judge