

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

103

CRM-M-38501-2022

Date of decision : 09.09.2022

Jasdeep Singh

Petitioner

V/S

State of U.T. Chandigarh and others

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Deepinder Brar, Addl. Public Prosecutor
for U.T. Chandigarh.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail to the petitioner in the non-bailable warrants issued by learned Trial Court in a Complaint No.NACT-18103-2019 (Annexure P-3) filed under Section 138 of the Negotiable Instruments Act, 1881 due to non-appearance in the Trial Court.

Learned Counsel for the petitioner submits that the petitioner could not appear before the trial Court as he has not received any summons from the Court. The petitioner is Combine Harvester Operator and remained out of State for harvesting the wheat, paddy and sunflower crops. Due to the absence of the petitioner non-bailable warrants have been issued against him by the trial Court on 29.04.2022. Absence of the petitioner in the Court was neither intentional nor willful. The petitioner undertakes not to remain absent from the trial in future and he is ready to surrender before the Trial Court. The

petitioner will abide by the terms and conditions imposed by the Court.

On the other hand, learned State counsel opposed the present petition on the ground that the petitioner intentionally avoiding the service of warrants issued by the Court by one way or the other. Therefore, the present petition may be dismissed.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the paper-book.

Perusal of the file shows that no sufficient reason has been given by the petitioner for his none-appearance before the Trial Court. It is settled proposition of law that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant in terms of Section 82 of the Cr.P.C, he is not entitled to the relief of anticipatory bail. This view of mine is fortified by the judgment of the Hon'ble Supreme Court in case ***State of M.P. Vs. Pradeep Sharma : 2014 (1) RCR (Criminal) 269.***

In view of the above and keeping in view the nature of averment and conduct of the petitioner, I do not deem it fit to extend the concession of anticipatory bail to the petitioner.

Dismissed.

However, the petitioner is directed to surrender before the trial Court within 15 days from today and shall move an application for grant of bail before the trial Court which shall be decided by the Trial Court expeditiously in accordance with law.

09.09.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No