

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39318-2022 (O&M)
Date of Decision:-1.9.2022

Akash Bhardwaj @ Bhuru

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arshit Goel, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The instant petition has been filed seeking grant of anticipatory bail as the petitioner apprehends his arrest consequent upon his bail having been cancelled by the Trial Court on account of his absence on 23.3.2022.

Learned counsel for the petitioner submitted that his absence as on 23.3.2022 was not intentional but was on account of the fact that he had noted down the date incorrectly as 3.6.2022. It has been submitted that it was only on 3.6.2022 that the petitioner came to know that he had noted down the date incorrectly and to his bad luck subsequently got arrested in connection with another case on 2.7.2022 and which prevented him from causing appearance before the Trial Court. Learned counsel further submitted that the petitioner has otherwise been regularly appearing before the Trial Court on all the dates and undertakes to appear regularly before the Trial Court.

The aforestated position, wherein the petitioner has jumped bail does not warrant grant of anticipatory bail in view of judgment passed by this

Court in CRM-M-39172 of 2021 titled Pawan Kumar Vs. State of Haryana and another decided on 21.9.2021.

It is, however, directed that in case the petitioner surrenders before the Trial Court within 10 days from today and moves an application for grant of regular bail, the Trial Court shall consider the same expeditiously keeping in view the aforesaid submissions made on behalf of the petitioner and in view of observations made in concluding paragraph of judgment passed by this Court in Pawan Kumar's case (supra), which reads as under:

“12. Before parting with this order, it needs to be added that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear before the trial Court on account of genuine reasons, say on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a lenient view in genuine cases and decide the regular bail application expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion, may also chose to grant interim bail, in fit cases, but only after surrender of accused.”

The petition stands disposed off accordingly.

1.9.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No