

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

105

**CRM-M-40022-2022 (O&M)
Decided on : 05.09.2022**

Avinash Chawla

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Jasneet Mehra, Advocate for
Mr. L.M. Gulati, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

CRM-32565-2022

This is an application, under Rule 3(A)(i), Chapter 6, Part-B, Volume-V, of the High Court Rules and Orders, seeking leave to appear, act or plead before this Court.

For the reasons mentioned in the application, the same is allowed as prayed for.

CRM-M-40022-2022

By way of present petition filed under Section 438 Cr.P.C., petitioner is seeking concession of anticipatory bail in case FIR No. 198, dated 21.10.2019, lodged under Sections 307, 148, 149 of IPC and Section 25/27 of the Arms Act, 1959, registered at Police Station Gate Hakima, District Amritsar, wherein, subsequently offences, have been added vide GD No.01, dated 24.10.2019, under Sections 452, 323, 427, 336, 506, 148, 149 of IPC, read with Section 25/54/59 of the Arms Act, 1959.

Learned counsel for the petitioner submits that petitioner has

been implicated as an accused in the cross version case. Thereafter, in the year 2019, petitioner was granted regular bail and was appearing on each and every date of hearing before the trial Court. He further submits that it was only once i.e. on 10.08.2022, petitioner could not appear before the trial Court, as he was suffering from fever. In this regard, petitioner sent an intimation to his representing counsel before the trial Court, to seek exemption from personal appearance, but by mistake that was not sought.

Learned counsel further submits that if one chance is given to the petitioner, he undertakes that he would never remain absent from the court proceedings and will cooperate throughout the trial period.

Notice of motion.

Mr. J.S. Arora, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State. A copy of the complete paper book has already been supplied to the learned State counsel.

Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner, and submits that since petitioner has misused the concession of bail, he does not deserve any sympathy and should not be granted the concession of anticipatory bail.

I have heard learned counsel for the parties and perused the relevant material on record.

Be that as it may, paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigations, resulting in slow pace of work, because of more than one reason. Petitioner was absent on 10.08.2022 and after a few days from that he has shown his intention by way of present petition to make available himself before the trial Court, for the purpose of joining trial.

After considering the submissions and circumstances in totality, I am of the view that if petitioner is given one chance to appear before the trial Court, subject to payment of Rs.10,000/- as costs, to be deposited with the District Legal Services Authority, Amritsar, then purpose of securing his presence would be served and a lot of exercise, time and energy can be saved. Therefore, it is directed that if petitioner on his own appears before the learned trial Court on or before the next date of hearing, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

In view of above, the present petition is allowed. However, it is made clear that the bail order would be subject to the deposit of an amount of Rs.10,000/- with the District Legal Services Authority, Amritsar.

(SANJAY VASHISTH)
JUDGE

September 05, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No