

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-45587-2022

Date of Decision: September 30, 2022

Jagdev Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Avtar Singh Syan, Advocate,
for the petitioner.

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

SANJAY VASHISTH, J.

By way of present petition, petitioner has sought anticipatory bail in Criminal Complaint No. 36617, dated 06.07.2013, titled as 'Punjab Financial Corporation v. GJ Industries', under Sections 420, 465, 467, 468, 471 and 120-B IPC, Police Station Simlapuri, District Ludhiana.

In para No. 4 of the present petition, an order dated 08.03.2022, passed by learned Judicial Magistrate Ist Class, Ludhiana, has been reproduced, which says as under:-

“ Complainant stated at bar that the accused Jagdev Singh did not pay the settled amount as per OTS Scheme.

Case called several times since morning, but none appeared on behalf of accused Jagdev Singh. Accused is absented from the Court without any intimation. Accused is intentionally not appearing in the Court. No further wait is justified. Accordingly, his bail order is canceled. His bail bonds and surety bonds furnished on his behalf are also cancelled and forfeited to the State. So accused Jagdev Singh be summoned through non bailable warrants for 18.04.2022.

Notice to surety of accused. Jagdev Singh U/s 446 Cr.P.C. be also issued for next date.”

From the said order it appears that petitioner - Jagdev Singh was already on bail, but on account of his absence, bail was cancelled and non-bailable warrants were issued against him.

Without addressing arguments on the issue of maintainability of present petition, learned counsel for the petitioner submits that subject to imposition of some costs, accused-petitioner is ready to appear and join the proceedings of the Court, if one chance is given and he is released on bail again.

In view of the submission made by learned counsel for the petitioner, this Court does not feel it necessary to issue notice to respondent No. 2, at this stage.

On asking of the Court, Mr. J.S. Arora, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent State. Complete copy of the paper book has already been supplied to him. Learned State counsel has not raised any serious objection to the said prayer made by learned counsel for the petitioner.

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

Undoubtedly, petitioner deserves some punishment because he is on run since 08.03.2022 and on that count trial in the present case could not proceed any further. But at the same time, his fleeing from the court proceedings, would not serve purpose of either side. Therefore, taking into account paramount consideration of the Court to secure presence of the accused and to speed up the trial, it would be appropriate to consider granting of one opportunity to the petitioner to appear before the trial Court and upon filing of an application for bail, he be released on bail. And as a punishment some cost be imposed upon him.

In view of above, petitioner is directed to appear before the learned trial Court on or before 15.10.2022 and furnish an undertaking

that he would not repeat such default and would join Court proceedings on each and every date, except with prior permission of the court.

It is ordered that in case petitioner appears before the learned trial Court within time given and moves an application for bail alongwith an undertaking for future purpose to appear regularly till decision of trial, he would be released on bail, subject to furnishing fresh bail/surety bonds to the satisfaction of the Court concerned. It is further ordered that this order shall be subject to payment of an amount of Rs.10,000/- as costs, to be deposited with the Member Secretary, District Legal Services Authority, Ludhiana.

Needless to mention here that once petitioner complies with the conditions detailed here above, order dated 08.03.2022, passed by learned Judicial Magistrate Ist Class, Ludhiana would become inoperative.

(SANJAY VASHISTH)
JUDGE

September 30, 2022

Pk Kapoor

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**