

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101

CRM-M-52436 of 2022
Date of Decision:15.11.2022

Johnny

-----Petitioner

vs.

State of Punjab

-----Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Prashant Vashisth, Advocate,
for the petitioner

Mr. J.P.Ratra, Sr. DAG, Punjab

JAGMOHAN BANSAL (ORAL)

Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 177 dated 9.9.2015, under Section 61 of Punjab Excise Act, 1914 registered at Police Station Division No. 7, Ludhiana-City.

Learned counsel for the petitioner submits that petitioner was regularly appearing before the trial court which is pending for quite long time. The petitioner due to fever could not appear before trial court on 4.8.2022 and learned trial court on account of non-appearance on the said date cancelled bail bonds/surety bonds. The petitioner preferred anticipatory bail before learned Sessions Court which has been dismissed by learned ASJ, Ludhiana, vide order dated 31.10.2022. The petitioner is ready and willing to appear before the trial court and undertakes to be more vigilant as well careful in the future.

Notice of Motion.

On the asking of the Court Mr. J.P.Ratra, Sr.DAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the facts, however, prays for imposition of costs.

The petitioner was granted bail. Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view facts and circumstances, I deem it appropriate to extend concession of bail to the petitioner, subject to furnishing of fresh bail bonds to the satisfaction of learned Trial Court. The petitioner is directed to appear before learned Trial Court on 21.11.2022 and furnish fresh bail bonds alongwith costs of Rs. 25,000/- to be paid to the District Legal Services Authority, Ludhiana.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

November 15, 2022
paramjit

Whether speaking or reasoned: Yes
Whether reportable :Yes/No