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

CRM-M No.57279 of 2022 (O&M)

Date of decision: 08.12.2022

Rakesh Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjeev K. Virk, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 13.09.2022 passed in case i.e. CIS/518/2016 in FIR No.196 dated 27.08.2010 registered under Section 420 IPC at Police Station 'A' Division Amritsar, District Amritsar, vide which non-bailable warrants are issued against the petitioner.

A perusal of the record shows that the FIR was registered on 27.08.2010 and one of the accused had died. The petitioner was granted anticipatory bail on 14.09.2018 and thereafter, on 24.05.2019, he was declared a proclaimed person as he absented from the Court proceedings. The petitioner filed CRM-M No.48357 of 2021, before this Court, which was allowed, directing the petitioner to again surrender within a period of 15 days and to pay the costs of Rs.5,000/- before the District Legal Services Authority, however, the petitioner again absented on 13.09.2022 and the Additional Sessions Judge, Amritsar has directed the petitioner to surrender before the trial Court within a period of 07 days and furnish fresh bail/surety bonds and also

deposit Rs.10,000/- as costs with the DLSA, Amritsar. It is also submitted that the petitioner is ready to surrender before the trial Court and face the proceedings, in accordance with law.

Counsel for the petitioner has argued that due to paucity of funds, the petitioner could not comply with the said order and in the meantime, non-bailable warrants have been issued.

Notice of motion.

Mr. Navneet Singh, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and opposed the submissions made by counsel for the petitioner.

Heard.

Considering the fact that the petitioner is ready to surrender before the trial Court, the present petition is allowed and the order dated 13.09.2022 is set-aside.

The petitioner is directed to surrender before the trial Court within a period of 10 days from today and the trial Court will release the petitioner on interim bail subject to his furnishing fresh bail/surety bonds and on deposit of the costs of Rs.10,000/- as per the order of the Additional Sessions Judge, Amritsar, dated 05.11.2022.

The payment of costs shall be a pre-condition before accepting the bail/surety bonds of the petitioner.

(ARVIND SINGH SANGWAN)
JUDGE

08.12.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No