

209 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57938-2022
Date of Decision: 21.12.2022

Gurinder Singh @ Sabi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. R.S. Dhaliwal, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab
for the respondent/State.

HARSH BUNGER J. (ORAL)

Present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.271 dated 25.12.2015 (Annexure P-1), under Sections 120-B, 148, 149, 364, 406, 420 and 506 IPC, registered at Police Station Model Town, Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner was earlier granted the concession of regular bail by the trial Court in present FIR No.271 dated 25.12.2015 (Annexure P-1), after which he had been regularly attending the Court proceedings till 30.08.2022. Thereafter, when the case was adjourned to 04.10.2022, the petitioner wrongly noted down the said date as '04.12.2022'. Accordingly, due to a *bona fide* mistake in noting down of the date by the petitioner, he could not appear before the trial Court on 04.10.2022, nor his counsel appeared before the Court on the said date. Consequently vide order dated 04.10.2022 (Annexure P-2), the

Additional Sessions Judge, Hoshiarpur proceeded to cancel the bail of the

petitioner, forfeited his bail bonds to the State and summoned him through non-bailable warrants for 02.11.2022. However, the case is now pending before the trial Court for 12.04.2023. Learned counsel for the petitioner submits that there was no intention on the part of the petitioner to delay the proceedings and his absence before the trial court was neither intentional nor deliberate but for the aforesaid reason. He further submits that the petitioner is ready and willing to surrender before the trial Court and join the proceedings, if he is granted one opportunity to do so. Learned counsel further submits that the petitioner undertakes to appear on each and every date before the trial court and to abide by all the terms and conditions to be imposed by this Court or by the trial Court.

Learned State counsel submits that since the petitioner has jumped the bail and has not followed the conditions of bail, hence the petitioner does not deserve the concession of bail and the present petition is liable to be dismissed.

I have heard the arguments of learned counsel for the petitioner as well as learned counsel for the respondent/State and have also perused the paper book as well as order dated 04.10.2022 (Annexure P-2).

Admittedly, the petitioner was on bail and was appearing before trial Court. A perusal of order dated 04.10.2022 (Annexure P-2), reflects that the trial Court proceeded to pass the said order on account of absence of petitioner on one date i.e. 04.10.2022. At times, the accused or his counsel can be prevented by sufficient reasons to put an appearance before the Court on a given date and every such absence cannot be necessarily construed as a deliberate and willful absence. Moreover, the petitioner is ready and willing to surrender and join the proceedings and also to abide by all terms and

conditions to be imposed by this Court or by the trial Court.

Without commenting anything on the merits of the case, the present petition is disposed of with a direction to the petitioner to appear before the learned trial Court on or before 12.04.2023 and upon his appearance, the Court shall release him on bail subject to his furnishing fresh bail bonds/surety bonds to its satisfaction and on payment of costs of Rs.10,000/-, to be deposited by the petitioner, with the Punjab State Legal Services Authority. The petitioner shall also give his undertaking by way of affidavit before the trial Court that he will attend the Court proceedings regularly unless specifically exempted by the Court.

At the time of release of the petitioner on bail, concerned Station House Officer shall be informed. The petitioner shall furnish his mobile number to the SHO concerned, keep his mobile's location on and also appear in the concerned Police Station once in a month till the conclusion of the trial.

In case, the petitioner does not appear before the trial Court till 12.04.2023 then the instant petition shall be deemed to have been dismissed.

Disposed of in the abovesaid terms.

21.12.2022

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No