

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

**(I) CRM-M-57965-2022 (O&M)**

Sajan Sharma ...Petitioner

Versus

The State of Punjab ...Respondent

**(II) CRM-M-58405-2022 (O&M)**

Sajan Sharma ...Petitioner

Versus

The State of Punjab ...Respondent

**Date of Decision: 14.12.2022**

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Varlin Garg, Advocate, for the petitioner.

**GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose of the aforesaid two petitions filed on behalf of the petitioner – Sajan Sharma. While in CRM-M-57965-2022, the petitioner assails order dated 19.11.2022 vide which his bail has been cancelled and surety bonds in the form of FDRs have been forfeited, the other petition i.e. CRM-M-58405-2022 has been filed seeking grant of anticipatory bail, as the petitioner apprehends his arrest consequent upon the trial Court having cancelled his bail.
2. Having heard learned counsel for the petitioner, both the aforesaid petitions are disposed of with a direction that in case the petitioner surrenders before the trial Court by tomorrow i.e. 15.12.2022 and moves an application for grant of regular bail, the trial Court shall consider the

same expeditiously while taking into account the observations made in concluding paragraph of judgment passed by this Court in CRM-M-39172 of 2021 titled **Pawan Kumar Vs. State of Haryana and another** decided on 21.09.2021, which reads as under:

“12. Before parting with this order, it needs to be added that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear before the trial Court on account of genuine reasons, say on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a lenient view in genuine cases and decide the regular bail application expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion, may also chose to grant interim bail, in fit cases, but only after surrender of accused.”

3. Since the absence of the petitioner on 19.11.2022 is stated to be the first instance of default on his part and the petitioner is a young boy pursuing C.A., the trial Court is expected to take a lenient view in the matter.
4. It is, however, directed that in case the trial Court chooses to grant bail to the petitioner, then FDRs, which were ordered to be forfeited, be released.
5. A photocopy of this order be placed on the connected file.

14.12.2022

Vimal

**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No