

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114+214)

CRM No. M-1581 of 2023 (O&M)
Date of Decision : 17.07.2023

Jaskaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, Deputy Advocate General,
Punjab.

Harsimran Singh Sethi J. (Oral)

CRM-21940-2023

Application is allowed, as prayed for.

CRM-M-1581-2023

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 101 dated 15.05.2020, registered under Sections 15, 18, 25 and 29 of NDPS Act at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner argues that in the present petition, the petitioner was granted regular bail by the Co-ordinate Bench of this Court while passing order in CRM No. M-27707 of 2020 on

21.09.2020. Thereafter, inadvertently, on 01.06.2022, the petitioner could not attend the proceedings and his bail bonds were cancelled and he was summoned through non-bailable warrants. Thereafter, the petitioner surrendered and is in custody for the last seven months. Learned counsel for the petitioner submits non-appearance of the petitioner before the trial court on 01.06.2022 was inadvertent and was beyond the control of the petitioner as his wife was not well for which, relevant document has already been submitted but his bail petition has been rejected by the court below without appreciating the said documents.

Learned State counsel on instructions from ASI Suresh Kumar submits that the petitioner was granted the concession of regular bail by the co-ordinate bench of this Court but it was the duty of the petitioner to attend all the proceedings and once he failed to attend the proceedings on 01.06.2022, the court was well within its jurisdiction to pass an appropriate order.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, during the trial, while on bail, the petitioner is required to attend the proceedings, but the court has also to see whether the absence of the petitioner was inadvertent or beyond his control while passing appropriate order on the said absence. Even otherwise, after the surrender, the petitioner has already undergone more than 7 months. He

already stands punished enough for the absence on 01.06.2022. Learned counsel for the petitioner has undertaken before this Court that henceforth, the petitioner will attend all the proceedings unless and until granted exemption by the competent court of law.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that in case, any fact comes to the notice of the State with regard to the violation of the said undertaking, the State will be within its jurisdiction to file appropriate application along with the cogent facts for re-consideration of the present order.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No