

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 201

CRM-M-4249-2023

Date of decision : 23.02.2023

Kukku

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Bhawesh Chaudhary, Advocate, for the petitioner.

Mr.Arun Luthra, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.160 dated 26.11.2019 registered under Sections 406 and 120-B IPC at Police Station Navi Baradari, District Jalandhar.

On 27.01.2023 this Court had passed the following order: -

“Learned counsel for the petitioner inter alia contends that the petitioner was granted anticipatory bail on 16.01.2020 by the trial court and thereafter he had dutifully appeared in his trial but on the last few dates, on account of ill health, he had remained absent. Learned counsel further undertakes on behalf of the petitioner to appear before the trial Court on each and every date of hearing in the future, unless specifically exempted.

Subject to the petitioner's depositing Rs.25,000/- as costs with the Poor Patient Welfare Fund, PGI MER, Chandigarh as also putting in appearance before the trial Court on the next date fixed before it, he shall be admitted to ad interim bail to the trial Court's satisfaction.

A perusal of order dated 14.06.2022 passed by the Judicial Magistrate First Class-II, Jalandhar (for short - the Magistrate) reveals that while adjourning the matter to 26.07.2022 the Magistrate had duly recorded the presence of the petitioner along with his counsel. However, in the order dated 26.07.2022 the Magistrate recorded that on the last two dates the petitioner had remained absent in his trial. Both the orders cannot be reconciled. Let an explanation in this regard be furnished before this Court by the concerned Magistrate before the adjourned date.

Adjourned to 23.02.2023.

A copy of this order be forwarded to the concerned Magistrate for compliance.”

Learned counsel for the petitioner submits that in pursuance to the afore quoted order of this Court the petitioner has paid the awarded costs; has appeared before the trial court and that on such appearance he has also been admitted to interim bail to the trial court's satisfaction.

After considering the submissions made on behalf of the petitioner as recorded in the afore quoted order and because the petitioner has shown his *bonafides* by appearing before the trial court, it is directed that the trial court shall now consider making the petitioner's bail absolute in accordance with law.

Disposed of.

In pursuance to the directions issued by this Court on 27.01.2023 the Judicial Magistrate Ist Class-II, Jalandhar (for short, the Magistrate) has filed her explanation through which the lapse with regard to wrongly marking of attendance of the petitioner on 14.06.2022 has been acknowledged. The Magistrate further submits that she would be more careful in future.

The explanation given by the Magistrate is accepted.

23.02.2023
shamsher

Whether speaking/reasoned

Whether reportable

:

:

[DEEPAK SIBAL]

JUDGE

Yes / No

Yes / No