

123 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4537-2023

Date of Decision: 13.03.2023

GURPREET SINGH @ GOPI
VS.
STATE OF PUNJAB

... PETITIONER
.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amandeep Singh, Advocate, for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Mr. R.S.Bains, Senior Advocate with
Ms. Aarushi Garg, Advocate,
for the complainant.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the order dated 28.09.2022 passed by the learned trial Court vide which non-bailable warrants have been issued against him.

Learned counsel for the petitioner contends that initially the petitioner was granted regular bail in terms of the order dated 14.11.2019 passed in CRM-M-47768-2019. The petitioner had been regularly appearing in the trial Court and this is the first default on his part. The petitioner had absented from proceedings on 28.09.2022 and on account of his non-appearance, the bail order, bail bonds and surety bonds were cancelled and forfeited to the State. The petitioner has been ordered to be summoned through warrants of arrest and notice to the surety has also been issued. The next date of hearing in trial Court is 17.04.2023. The reason assigned for non-appearance is the health issues of grand mother, who has suffered fall in the bathroom and Annexure P-3 is the medical prescription indicating the same. It has been further submitted that the petitioner undertakes to

surrender in the trial Court on or before 17.04.2023 and in the meanwhile, he may be protected.

Notice of motion.

Mr. M.S.Nagra, AAG, Punjab, accepts notice on behalf of the respondent-State.

Mr. R.S.Bains, Senior Advocate with Ms. Aarushi Garg, Advocate, has put appearance on behalf of the complainant.

Learned Senior counsel for the complainant has opposed the prayer made by learned counsel for the petitioner on the score that the medical prescription is dated 01.10.2022 and the impugned order is prior to it.

It may be mentioned here that in the prescription, it has been specified that the patient had suffered fall in the bathroom 15 days ago.

In these set of circumstances, the present petition is disposed of with a direction that the petitioner shall surrender before the trial Court on or before 17.04.2023 and shall move an application for regular bail which may be disposed of by the learned trial Court, in accordance with law. However, it is directed that the arrest of the petitioner may not be effected till disposal of the bail application and for a period of 15 days thereafter in the event, the bail application is dismissed. However, this order is without prejudice to any proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and his surety.

13.03.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No