

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12341-2023 (O&M)

Date of Decision: 14.3.2023

Mangesh @ Mugesh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.K.Liberhan, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.105 dated 11.10.2018 registered under Sections 392, 379-B, 34 IPC and Sections 25 of Arms Act at Police Station Balongi, District SAS Nagar (Mohali) wherein on account of absence of the petitioner on 21.10.2022, learned trial Court has cancelled his bail order and directed to summon the petitioner through non-bailable warrants of arrest.

Counsel for the petitioner *inter alia* contends that prior to 21.10.2022, the petitioner was on regular bail and the petitioner got absented on 21.10.2022 as he was given wrong date by the Clerk of his Advocate and as such, he failed to appear on the actual date of hearing fixed in the trial Court. He further submits that this was the first default on the part of the petitioner and he is ready to join the proceedings before the learned trial Court.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and on instructions from SI Sarabjit Singh submits that the petitioner jumped bail on 21.10.2022 and resultantly, the impugned order was passed by the learned trial Court. State counsel further apprised the Court that till date, the petitioner has not been declared as proclaimed offender and now his non-bailable warrants of arrest are issued by the learned trial Court for 12.4.2023.

In view of above, without commenting on the merits of the case, the present petition is hereby disposed of with direction to the petitioner to appear in the trial Court on or before the next date fixed i.e. 12.4.2023 and on his doing so, the petitioner is to be released on regular bail by the said Court to its own satisfaction subject to costs of ₹5000/- which is to be deposited by the petitioner with District Legal Services Authority, SAS Nagar (Mohali). However, the trial Court is at liberty to proceed against the petitioner under Section 446 of Cr.P.C.

(KARAMJIT SINGH)
JUDGE

March 14, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No