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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14310-2023

Date of Decision: March 22, 2023

Anil Kumar @ Neelu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Mitul Singh Rana, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. praying for setting aside the order dated 26.11.2021 passed by learned Sessions Judge, Hoshiarpur, vide which warrants of arrest of the petitioner/appellant have been issued by the learned appellate Court and for allowing him to appear and join the proceedings in the said appeal before the appellate Court.

It has been contended by counsel for the petitioner that petitioner was convicted and sentenced by the trial Court under Sections 279, 304-A and 337 IPC for a period of two years RI in FIR No.45, dated 11.04.2014, registered under Sections 279, 304-A, 337, 427 IPC, at Police Station Mukerian, District Hoshiarpur, against which he preferred an appeal before the learned appellate Court. He submits that sentence of the petitioner/appellant was suspended by the learned appellate Court and thereafter as he failed to appear due to unavoidable circumstances and his bail order was cancelled and bail/surety bonds were forfeited to the State.

Thereafter, the petitioner had to approach seeking relief by filing CRM-M-40392-2019 vide which this Court had directed the petitioner to surrender within ten days by granting him bail. He submits that the petitioner was duly appearing before the appellate Court, however, again he could not appear on one date and thus, his bail bonds have been cancelled and the non-bailable warrants have been issued. Counsel for the petitioner submits that petitioner is ready to surrender before the appellate Court and undertakes not to repeat the default of absenting himself from the proceedings. It is further submitted that the appeal is fixed for final arguments for 24.03.2023.

Notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

Learned State counsel has stated that the trial Court has rightly issued warrants of arrest against the petitioner as he remained absent from the proceedings without any reasonable cause.

Heard.

This Court is of the view that no useful purpose would be served by sending the petitioner behind the bar rather it will be appropriate if the petitioner is directed to face trial.

After hearing counsel for the parties, though primarily the Court finds that petitioner has not been adhering to the directions given by the Court, however, keeping in view that the appeal is said to have been fixed for final arguments, in the interest of justice, one final opportunity is given to the petitioner to appear before the concerned Court on 24.03.2023 (the date stated to be fixed there) subject to payment of Rs.25,000/- as costs to

be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh. In case, the petitioner appears and surrenders before the Court concerned on 24.03.2023 and produce receipt of abovesaid costs and files an application for bail, the Court concerned would grant him bail. He will have protection from arrest for two days, i.e. upto 24.03.2023 from today.

Needless to say that if the petitioner does not comply with the abovesaid directions, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 26.11.2021 would come in force.

Disposed of accordingly.

March 22, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |