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2023 : PHHC : 080859

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M 29190-2023

Date of Decision: 02.06.2023

GAGANDEEP SINGH ALIAS GAGAN

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. S.K.Grewal, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. Petitioner has assailed the order dated 18.05.2023 passed by the Court of learned Addl. Sessions Judge, Amritsar vide which his bail order was cancelled, bail bonds and surety bonds have been forfeited to the State, warrants of arrest of the petitioner and notice to the surety have been issued.

2. Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the case bearing FIR No. 261 dated 20.12.2019 under Sections 302, 34 IPC and Section 25/27 of Arms Act (Sections 120-B, 212 IPC added later on) registered at Police Station Beas, District Amritsar. At the earlier instance, the petitioner was granted regular bail by the Co-ordinate Bench of this Court in terms of the order dated 16.09.2022 passed in CRM-M-37294-2022, Annexure P-2. The petitioner had been regularly appearing in the Court and sought exemption from personal appearance on two dates of hearing. The petitioner had absented from the proceedings on 18.05.2023 which resulted in passing of the impugned order. The reason assigned for non-appearance is to the effect that the petitioner was having some health issues and was admitted in the hospital. The next date of hearing in the trial Court is 06.06.2023. It has been further submitted that the petitioner is ready and willing to surrender before the trial Court and face trial.

3. Notice of motion.

4. Mr. Hittan Nehra, Addl. A.G. Punjab accepts notice on behalf of the State and submits that appropriate directions may be issued to the petitioner to ensure his presence in the trial Court.

5. The petition is disposed of with a direction that the petitioner shall surrender before the trial Court on or before 06.06.2023 and shall move an application for regular bail. However, the arrest of the petitioner shall remain stayed till the disposal of the bail application and for a period of 15 days thereafter in the event the application is dismissed.

6. This order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and the surety.

02.06.2023

Janki

(VIVEK PURI)
JUDGE

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