

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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BHARAT MEHRA

2023:PHHC:086173

CRM-M-30777-2023

Date of decision: 07.07.2023

..Petitioner(s)

Versus

STATE OF PUNJAB

..Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

HARSIMRAN SINGH SETHI, J (Oral)

The present petition has been filed challenging the order dated 03.06.2023 by which the arrest warrants have been issued against the petitioner for violating the condition of the bail granted as the petitioner failed to appear before the Court on the date of hearing fixed in the trial.

Learned counsel for the petitioner submits that the petitioner could not appear before the Court due to mis-communication between the lawyer and the petitioner as he was informed some other date than the actual date fixed by the Court. Learned counsel for the petitioner prays that henceforth petitioner will be more vigilant so as to appear on all the hearings fixed in the trial, hence his prayer be accepted even if the relief sought is to be granted by imposition of costs.

Learned counsel for the respondent-State submits that keeping in view the facts and circumstances of the present case where the petitioner did not appear, even after the notice was issued to him shows that the petitioner is not obeying the conditions on which he was extended bail hence, the order passed by the trial Court needs no interference.

I have heard the learned counsel for the parties and gone through the record with their able assistance.

It is a conceded position that after considering the merits of the case, the petitioner was granted anticipatory bail. Though, as per the conditions imposed, by which he was granted concession of bail, the

petitioner was required to appear before the competent Court of Law on all the hearings, but the said condition has been violated. The only question which arise is whether the said condition was violated intentionally or unintentionally, which fact is required to be assessed keeping in view the fact and circumstances which have been mentioned in the petition.

Keeping in view the facts and circumstances of this case, by giving a benefit of doubt, the absence of the petitioner on a particular date before the trial Court is condemned. Petitioner is directed to surrender before the trial Court within a period of 10 days from the passing of the present order. Further, while surrendering, the petitioner is directed to file an affidavit in which he undertake that henceforth he will attend all the hearings of the Court proceedings unless and until he has been granted exemption by the competent Court of Law.

In case, the petitioner surrenders along with said affidavit, the trial Court is directed to accept the application seeking grant of bail. It is made clear that in case of any default, the benefit being granted by this order will not be extended.

However, for utilizing the time of the Courts, as undertaken by the petitioner, he is directed to deposit cost amounting to Rs.10,000/- with the Institute for Blind, Sector 26, Near Homoeopathic Medical College And Hospital, Chandigarh and receipt thereof be also attached while seeking the regular bail before the trial Court.

Disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

07.07.2023

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No