

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

315

CRM-M No.41400 of 2023

Date of Decision : 29.11.2023

Lakhwinder Singh

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aman Deep Saini, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in Complaint CIS No.COMI-10 dated 28.01.2019 under Sections 406, 498, 498-A, 323 of the Indian Penal Code, 1860 pending in the Court of Judicial Magistrate Ist Class, Sri Anandpur Sahib, District Rupnagar.

2. On 14.09.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in Complaint CIS No.COMI-10 dated 28.01.2019 under Sections 406, 498, 498-A, 323 of the Indian Penal Code, 1860 pending in the Court of Judicial Magistrate Ist Class, Sri Anandpur Sahib.

Learned counsel for the petitioner would contend that the petitioner along with other co-accused was

granted interim anticipatory bail subject to his joining the proceedings before the Trial Court. However, the petitioner herein could not join the proceedings within a period of 5 days as directed vide order dated 16.06.2023. On 22.06.2023 extension of time was sought and the petitioner was directed to join proceedings on or before 26.06.2023. While the other co-accused joined the proceedings and were directed to be released on bail on furnishing bail bonds/surety bonds, the petitioner herein did not join the proceedings. The learned counsel would further contend that vide order dated 27.06.2023, the anticipatory bail qua the other co-accused was made absolute, however, qua the petitioner it was dismissed. The learned counsel would contend that petitioner was stuck in Manali due to the landslides and hence he could not come to the Court on the said date and that a letter in this regard from the employer has also been appended as Annexure P-7. It is further contended that the petitioner had no intention of violating the orders of the Court and even today he is willing to join the proceedings before the Trial Court.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of the respondent No.1-State of Punjab.

Learned counsel for the State, on instructions from ASI-Harjit Singh, has stated that as directed vide order

dated 01.09.2023 the employer of the petitioner was called to verify whether the petitioner was employed with him and whether the petitioner was stuck as stated in Annexure P-7. The employer confirmed that the petitioner was employed with him and he was stuck at Manali.

Heard.

In the present case the petitioner was granted interim anticipatory bail by the Trial Court. However, due to the reason that he could not join the proceedings, his application for anticipatory bail was dismissed. The learned counsel for the petitioner has contended that a landslide happened on the Chandigarh-Manali Highway on 24.06.2023 and the petitioner, who was travelling to attend the Court proceedings, was stuck on the highway for about 30 hours. In support of the said fact the petitioner has appended a letter from his employer (Annexure P-7) as well as a newspaper cutting (Annexure P-9).

In view of the above, this Court deems it appropriate to grant one opportunity to the petitioner to join the proceedings before the Trial Court. The petitioner is directed to join the proceedings before the Trial Court within 10 days from today and on his doing so the Trial Court shall release him on interim bail subject to its satisfaction. List on 08.11.2023.”

3. Learned counsel for the petitioner states that the petitioner has surrendered and joined the proceedings before the Trial Court and has been allowed interim regular bail in terms of order dated 14.09.2023.

4. Keeping in view the fact that petitioner has now joined the proceedings of the complaint case before the Trial Court and has been granted interim regular bail, this petition is allowed and order dated 14.09.2023 is made absolute, subject to the satisfaction of the Trial Court concerned.

5. Disposed off accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

29.11.2023
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO