

2023:PHHC:103450

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57289-2022
Date of decision: 09.08.2023

ASHOK KUMAR

VERSUS

...PETITIONER

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CRM-M-57316-2022

KISHORE KUMAR PAL

VERSUS

...PETITIONER

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajiv Joshi, Advocate
for the petitioner(s).

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. Petitioners have assailed the order dated 22.11.2022 passed by the learned Additional Sessions Judge, Jalandhar (Annexure P-8) in the case bearing FIR No. 228 dated 16.07.2020 under Sections 354, 458, 509, 427, 323, 148, 149 IPC and Section 67 of the IT Act, 2000 and under Sections 376-D, 365, 506 IPC and Sections 25, 27, 54, 59 of Arms Act (added later on) registered at Police Station Phillaur, District Jalandhar, vide which the bail order has been cancelled, their bail bonds and surety bonds have been forfeited to the state and have been summoned through nonailable warrants.

2. Learned counsel for the petitioners contend that the petitioners along with other have been arraigned as accused in the aforesaid case, at the earlier instance, Ashok Kumar (petitioner in CRM M-57289-2022) was granted anticipatory bail in terms of order dated 26.05.2021 passed by the Court of learned Additional Sessions Judge, Jalandhar. Kishore Kumar (petitioner in CRM M-57316-2022) was granted regular bail in terms of the order dated 02.07.2021 passed by the Co-ordinate Bench of this Court in CRM M-23252-2021. The petitioners had been regularly appearing in the trial Court at the earlier instance. However, the health issues of Ashok Kumar and Kishore Kumar being out of station prevented them from appearing in the trial Court on few dates, when the case came up for hearing in the months of September, October and November, 2022. The petitioners undertake to surrender in the trial Court and face trial.

3. The learned counsel for the petitioners has further contends that the petitioners undertake to surrender in the trial Court within a period of 10 days and restricts his prayer only to the extent that meanwhile they may be protected.

4. Learned State counsel submits that the appropriate orders may be passed to ensure the presence and participation of the petitioners in the trial Court.

5. In these circumstances, both the petitions are disposed of with a direction that the petitioners shall surrender before the trial Court within a period of 10 days and shall move an application for regular bail. In the event, the petitioners surrender in the trial Court within a period of 10 days and move an application for regular bail, their arrest may not be effected till disposal of the bail application.

6. For the lapse on the part of the petitioners, they are burdened with the costs to the extent of Rs. 10,000/- each to be deposited with District Legal Services Authority, Jalandhar. The receipt with respect to deposit of costs shall be submitted in the trial Court at the time of surrender and presentation of application for bail.

7. This order is further without prejudice to the proceedings under Section 446 that may be initiated by the learned trial Court against the petitioners and the sureties.

09.08.2023
manoj

(VIVEK PURI)
JUDGE

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