

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-3236-2023
Date of Decision: 20.07.2023

Shyam

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Jatinder Kumar Kamboj, Advocate,
for the petitioner.

Mr. Shashank Bhandari, Addl. P.P., U.T. Chandigarh.

FIR No.	Dated	Police Station	Section/s
202	12.07.2018	Sector 11, Chandigarh	379 & 411 IPC

VIKAS SURI, J. (Oral)

The petitioner has filed the present petition seeking grant of anticipatory bail in the above-captioned case and setting aside the order dated 22.11.2022 (Annexure P-6), vide which his application for anticipatory bail was dismissed by the Additional Sessions Judge, Chandigarh.

This case came up for preliminary hearing on 20.01.2023, when following order was passed:-

“Learned counsel for the petitioner inter-alia contends that in the year 2018, the petitioner was granted bail; thereafter, he has been regularly appearing in his trial and only on 11.05.2022 could not appear before the Trial Court as there was a miscommunication between him and the counsel appearing for him before the Trial Court; thereafter, through the impugned

order his bail bonds/surety bonds have been forfeited and non-bailable warrants for his arrest have been issued; before passing of the impugned order neither any notice was served upon the petitioner nor any bailable warrants were legally executed; the Trial Court could have not passed the impugned order on the basis of presumptions with regard to the petitioner's service and that the petitioner undertakes now to appear on all subsequent dates in his trial in the future unless specifically exempted.

Notice of motion.

Mr. Shashank Bhandari, Addl. P.P., U.T., Chandigarh, accepts notice on behalf of the respondent-State.

Adjourned to 22.03.2023.

In case the petitioner surrenders before the Trial Court within one week from today, he shall be admitted to interim bail to the Trial Court's satisfaction.”

Learned counsel for the petitioner submits that pursuant to order dated 20.01.2023 passed by this Court, petitioner surrendered before the trial Court and has been admitted to bail.

Learned Addl. P.P., U.T. Chandigarh, affirms the aforesaid submissions and states that the trial is underway.

In view of the above, no useful purpose would be served to send the petitioner behind the bars and therefore, the present petition is allowed by setting aside the order dated 22.11.2022 (Annexure P-6) passed by the Additional Sessions Judge, Chandigarh.

As the petitioner has been admitted to interim bail pursuant to the direction issued by this Court vide order dated 20.01.2023, the trial Court shall confirm the interim bail and proceed with the trial further, in accordance with law. The petitioner shall remain bound by his undertaking to appear on all

subsequent dates in his trial in the future, unless specifically exempted.

The present petition is disposed of with above observations.

July 20, 2023
Harish

(VIKAS SURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No