

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60267-2023
Date of decision: 01.12.2023

SONU

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Vikram Satpal Anand, Advocate for
Mr. VPS Mithewal, Advocate for the petitioner.

DEEPAK GUPTA J. (ORAL)

Petitioner was on bail during the proceedings of FIR No.142 dated 04.11.2022 registered at Police station Khamanon, District Fatehgarh Sahib, under Sections 279/304-A of IPC, which was pending in the Court of learned SDJM, Khamanon. Petitioner absented from trial on 03.07.2023, due to which, his bail was cancelled. He applied for bail before the Court of Sessions Judge, which was allowed on 26.10.2023, by giving following direction:-

“6. But taking a lenient view as no purpose will be served by keeping the accused/applicant in custody, the bail application of the accused/applicant is allowed. The accused/applicant is directed to surrender in the learned trial court within seven days from today and learned Trial Court/Duty Magistrate is directed to release the accused/applicant on bail to its satisfaction. The accused/ applicant is burdened with a cost of Rs.10,000/- to be deposited in District Legal Service Authority, Fatehgarh Sahib. The learned trial court is directed to initiate proceedings against the accused/applicant and his previous surety under section 446 Cr.P.C. The learned Trial Court will be competent to cancel the bail of the accused/applicant in absence of the accused/applicant. Trial Court record be sent back alongwith copy of this order and bail application file be consigned to record room.”

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3. Despite the aforesaid directions given by the learned Sessions Judge, petitioner failed to make compliance and did not surrender before the trial Court concerned nor deposited the cost of Rs.10,000/-. Petitioner has now approached this Court to grant him one more opportunity to surrender before the trial Court.

4. This petition is disposed of with the direction to the petitioner to surrender before the trial Court concerned on or before 05.12.2023, the date stated to be already fixed therein. He shall make compliance of all the conditions as mentioned in order dated 26.10.2023, passed by learned Sessions Judge, Fatehgarh Sahib.

5. Trial Court shall also be at liberty to initiate proceedings under Section 446 Cr.P.C. and only after disposal thereof, the petitioner shall be admitted to bail. Till the disposal of those proceedings, petitioner be not taken into custody. In case petitioner fails to make compliance of this order, petition shall be deemed to have been dismissed.

December 01, 2023
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(DEEPAK GUPTA)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |