

2024:PHHC:010835

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

105

CRM-M-4107-2024
Date of Decision : January 25, 2024

HARPREET SINGH @ HAPPY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. N.S.Dadwal, Advocate
for the petitioner.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.0080 dated 22.6.2019 under Sections 379-B, 34 of IPC, registered at Police Station Meharban, Police Commissionerate Ludhiana.
2. The petitioner having apprehension to be arrested in pursuance of the order dated 17.2.2023, whereby, the bail bonds and surety bonds of the petitioner were cancelled and forfeited to the State, on account of non-appearance before the learned trial Court concerned.
3. Learned counsel for the petitioner submits that the petitioner was unable to appear before the learned trial Court concerned for the reason that the wife of the petitioner, had suffered a mis-carriage and because of the same, the petitioner could not cause an appearance on that day, which led the learned trial Court concerned to pass order of cancellation of bail. He further submits that the petitioner is ready and willing to surrender before the learned trial Court concerned, in case

adequate protection is granted to him, as his absence before the learned trial Court concerned was not willful or deliberate because of the reason mentioned above. He further submits that the petitioner has not been declared as a proclaimed offender. He further submits that the petitioner was granted regular bail vide order dated 23.10.2019.

- 4. Notice of motion for 8.4.2024.
- 5. Mr. Digvijay Nagpal, AAG, Punjab, waives service on behalf of the respondent-State.
- 6. In view of the specific submissions made by the learned counsel for the petitioner, that the petitioner is ready and willing to surrender before the trial Court concerned, this Court deems it fit to direct the petitioner to surrender before the learned trial Court concerned within seven days from today and file application for regular bail. In case the petitioner surrenders within 7 days before the learned trial Court concerned and file any application for grant of regular bail, the same shall be decided on that very day, after adequate opportunity to both the parties. Till the decision of such bail application, the arrest of the present petition shall remain stayed.
- 7. Disposed of accordingly.

January 25, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No