

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M No.9352 of 2024 (O&M)
Date of decision: 05.03.2024

DR. DEEPAK KUMAR MANAN SHARMA Petitioner

Versus

STATE OF PUNJAB Respondents

CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. J.S. Jaidka and Mr. Abhishek Khullar, Advocates
for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

CRM-8177-2024

Application is allowed as prayed for.

Main case

1. The petitioner is seeking concession of anticipatory bail in case arising out of FIR No.40 dated 09.05.2016 registered under Sections 332, 353, 334, 354, 323, 427, 186, 188, 148 and 149 of IPC and Section 8(B) of the National Highway Act, 1956 at Police Station Sarabha Nagar, District Ludhiana. He is facing trial in the abovesaid FIR in case titled as *State vs. Simranjit Singh Bains* before the Court of learned Chief Judicial Magistrate, Ludhiana. His bail was cancelled due to his non appearance vide order dated 09.01.2024 and bonds were forfeited to the State. The petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Ludhiana but the same had been dismissed.

2. The petitioner had originally been extended benefit of anticipatory bail in this case. A perusal of order passed by learned Additional Sessions Judge, reveals that while rejecting the application for grant of anticipatory bail to the petitioner he had rightly observed that such application is not maintainable. This Court is also of the considered opinion that the petition for grant of anticipatory bail is not maintainable as the petitioner had already joined the proceedings before learned trial Court.

3. Faced with this situation, learned counsel for the petitioner has requested that an opportunity may be granted to him to surrender before the trial Court and to seek concession of bail.

4. Keeping in view the request so made, though, it is held that the present petition is not maintainable, however, still an opportunity is being granted to the petitioner to surrender before the learned trial Court within a period of one week and on his appearance, the trial Court is directed to admit him to bail subject to his moving an application for grant of regular bail and after his furnishing personal/surety bonds to the satisfaction of the CJM/Duty Magistrate and on depositing ₹5,000/- with DLSA, Ludhiana as costs.

5. A copy of this order be sent to the concerned Court.

05.03.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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