

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

(132)

**2024:PHHC:051418  
CRM-M-18502-2024  
Date of Decision: 16.04.2024**

Mandeep Singh Ghandial @ Tona

--Petitioner

Versus

State of Punjab

--Respondent

**CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL.**

Present:- Mr. Vaibhav Sehgal, Advocate for the petitioner.

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**GURVINDER SINGH GILL.J (Oral)**

1. The present petition assails the order dated 04.03.2024 (Annexure P-9) arising out of FIR No.36 dated 20.02.2023 under Sections 307, 323, 341, 506 and 149 IPC registered at Police Commissionerate, Ludhiana, Division No.6, Ludhiana vide which the learned Trial Court upon finding that the accused had absented and that no convincing ground has been furnished in the exemption application, cancelled his bail.

2. Learned counsel for the petitioner submits that the petitioner is in fact the complainant against whom a cross-case has been registered in respect of bailable offences and that his absence on 04.03.2024 was the first instance of default and as such a lenient view could have been taken.

3. Having heard learned counsel for the petitioner, this Court does not find any ground to interfere, however, having regard to the submissions made by learned counsel as regards the first default on the part of the petitioner, it is directed that in case petitioner surrenders before the learned Trial Court within a period of 10 days from today and moves an application for grant of regular bail, the Trial Court shall decide the same expeditiously while taking into account the observations made in ***CRM-M-39172 of 2021***

titled ***Pawan Kumar Vs. State of Haryana and another*** decided on

21.9.2021, which reads as under:-

*“2. Before parting with this order, it needs to be added that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear before the trial Court on account of genuine reasons, say on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a lenient view in genuine cases and decide the regular bail application expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion, may also chose to grant interim bail, in fit cases, but only after surrender of accused.”*

4. The petition stands disposed of accordingly.

**(GURVINDER SINGH GILL)**  
**JUDGE**

**16.04.2024**

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