

VIJAY KUMAR ALIAS VIJAY

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Bhavna Kapur, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 438 of CrPC, prayer has been made for grant of anticipatory bail in case FIR No.26 dated 14.03.2020 registered under Section 399 and 402 of IPC, Section 25 of Arms Act as well as Sections 21 and 22 of NDPS Act, 1985 at P.S. Begowal, District Kapurthala.

2. Learned counsel for the petitioner submits that the petitioner had gone to Mata Chintpurni Temple to pay obeisance and had moved an application for seeking exemption from appearance before the trial Court, however, the same was declined resulting into cancellation of his bail and forfeiture of bail/surety bonds, followed by issuance of non-bailable warrants against him vide order dated 05.04.2024.

3. Notice of motion.

4. Mr. Athar Ahmed, DAG, Punjab accepts notice on behalf of respondent-State and opposes the prayer while submitting that the non-appearance of the petitioner before the Trial Court was just to cause delay in the disposal of trial.

5. I have heard learned counsel for the petitioner and gone through the paper-book.
6. In the present case, non-appearance on the part of petitioner before the trial Court seems to be unintentional as he had gone to pay obeisance at Mata Chintpurni Temple.
7. Accordingly, the present petition is disposed of, subject to deposit of costs of Rs.5,000/- with Nishkam Sewa Group, run by Punjab and Haryana High Court Lawyers of Chandigarh. The order dated 05.04.2024 is set aside. Petitioner is directed to appear before the Trial Court within a period of 07 days from the date of receipt of certified copy of this order and furnish his fresh bail/surety bonds, which shall be accepted, by the trial Court to its satisfaction and till then no coercive steps be taken against him. The petitioner shall also file an affidavit that he will continue to appear before the Trial Court, unless granted exemption specifically and categorically

03.05.2024

(HARKESH MANUJA)

Tejwinder

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No