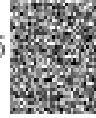


2024.PHHC.065395



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CRM-M-23127-2024

Date of Decision :09.05.2024

SANDEEP KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Abhishek Bansal, Advocate,
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, prayer is for grant of pre-arrest bail to the present petitioner in case FIR No.74, dated 18.05.2021, under Sections 457 and 380 of the IPC, registered at Police Station Balongi, District SAS Nagar, Mohali.

2. What transpires from the perusal of the instant petition, is that the petitioner was earlier extended the benefit of regular bail vide order dated 09.06.2021 (Annexure-P-2). Thereupon, owing to the absence of the petitioner before the learned trial Court concerned, a notice was issued to him, which was received back unserved vide order dated 01.07.2023, and consequently on dated 18.08.2023, his bail bonds stood cancelled and forfeited to the State, and to secure his presence non-bailable warrants were issued for 11.10.2023. The petitioner having

apprehension of arrest in pursuance to the non-bailable warrants, approached the learned Additional Sessions Judge-3, SAS Nagar, for grant of pre-arrest bail under Section 438 Cr.P.C. That application was allowed and the petitioner was directed to appear before the learned trial Court/Duty Magistrate concerned, within 5 days from the date of order, i.e. 20.12.2023. However, the petitioner, despite being given number of opportunities to surrender before the learned trial Court concerned, by the learned Additional Sessions Judge-3, failed to surrender, which led to dismissal of his application for pre-arrest bail vide order dated 02.01.2024.

3. Learned counsel for the petitioner, in asking for the relief (*supra*), submits that non-appearance before the trial court concerned, in compliance to the order passed by the learned Additional Sessions Judge concerned, was neither willful, nor intentional, rather it was because of the unavoidable circumstances.

4. He further submits that in case 07 days time is granted, the petitioner would surrender/appear before the learned trial Court concerned, and comply with the directions passed by the learned Additional Sessions Judge concerned vide order 20.12.2023.

5. Notice of motion.

6. Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of the respondent-State and vociferously opposes the grant of relief (*supra*), to the present petitioner, on the ground that the petitioner is a habitual defaulter.

7. This Court has heard the learned counsel for both the parties

concerned, and has gone through the entire case file.

8. Though the conduct of the present petitioner does not deserve him to be released on anticipatory bail, but only for the purpose to secure the presence of the petitioner, this Court deem it fit and appropriate to direct the petitioner to surrender before the learned trial court concerned within 07 days from today, in compliance to the order (*supra*), passed by the learned Additional Sessions Judge concerned.

9. In case the petitioner complies with such directions and surrenders before the learned trial court concerned, he shall be released on regular bail, upon him furnishing bail and surety bonds to the satisfaction of that Court.

10. In the meanwhile, the arrest of the petitioner shall remain stayed.

11. It goes without saying that in case the petitioner fails to surrender before the learned trial Court concerned within 07 days from today, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without further reference to this Court.

12. **Disposed of** accordingly.

May 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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