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

CRM-M-39698-2024

Date of Decision:- 26.09.2024

GURPREET SINGH

....Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

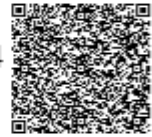
CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. G.S. Verma, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

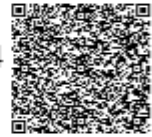
1. Petitioner Gurpreet Singh has filed this petition under Section 482 Cr.P.C. for quashing/setting aside order dated 31.07.2024 (Annexure P-3) passed by learned Additional Sessions Judge, Ludhiana in FIR No.51 dated 16.04.2022 under Sections 379 of IPC, 1860 and under Section 21 of Mining and Minerals (Development and Regulation) Act, 1957 registered at Police Station Dakha, District Ludhiana (Annexure P-1) whereby after filing challan, present petitioner has been summoned through non-bailable warrants with further direction to the trial Court to accept the bail bonds and surety bonds of the present petitioner after setting aside the aforesaid order or any other direction which the Court may deem proper in the given facts of the case.



2. Learned counsel for petitioner pointed out that challan in this case was presented in the absence of petitioner on 05.05.2023. Copy of order is Annexure P-5. At that time, petitioner was lodged in Central Jail, Ludhiana in another FIR and his production warrants were issued. In the meantime, he was released from the jail. Now, his arrest warrants have been issued. He was never served personally. He is ready to appear before the trial Court and face the trial. Therefore, impugned order dated 31.07.2024 (Annexure P-3) may be set aside and he may be allowed to appear before the trial Court with further direction to accept his bail bonds and surety bonds to the satisfaction of trial Court.

3. Status report is received which is taken on record. Copy furnished to the counsel for petitioner. It is pointed out that in the aforesaid FIR, after completion of investigation, challan was presented in the Court on 05.05.2023. Learned trial Court issued summons, bailable warrants and finally arrest warrants to procure his service. He had applied for anticipatory bail which was allowed and he was directed to surrender before the trial Court but he failed. Therefore, present petitioner is not entitled to any relief.

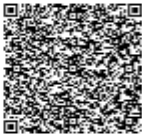
4. I have considered the arguments and have gone through the record. Present petitioner was involved in FIR no.51 dated 16.04.2022 under Sections 379 of IPC and under Section 21 of Mining and Minerals (Development and Regulation) Act, 1957 registered at Police Station Dakha, District Ludhiana (Annexure P-1). After completion of investigation, challan was presented in his absence on 05.05.2023. Prior to this he was granted anticipatory bail vide order dated 28.04.2022 which is Annexure P-2. Therefore, learned trial Court issued notice to petitioner



and it came to the notice of Court that petitioner was lodged in Central Jail, Ludhiana in another FIR. Thereafter, production warrants were issued and finally report was received that he has been released from Central Jail, Ludhiana as per the zimni order dated 18.11.2023. Again notice was served upon Gurpreet Singh as per order dated 06.01.2024. On 17.02.2024 report was received that he was served through his father but he did not turn up. Again his bailable warrants were issued which were again received by his father who undertake to inform the accused but even then he failed to appear and ultimately learned trial Court passed order dated 28.03.2024 vide which he was ordered to be summoned through non-bailable warrants. Even now process is being issued from time to time for his non-bailable warrants of arrest. Said zimni orders are placed on record as Annexure P-5. Petitioner Gurpreet Singh again filed application for anticipatory bail which was disposed of vide order dated 22.05.2024 (Annexure P-4) vide which he was directed to surrender before the trial Court within 15 days from the passing of the order and the trial Court was directed to dispose of the bail application preferably within 3 days. In compliance to this order, present petitioner never surrendered before the trial Court.

5. Considering the aforesaid factual position, it is clear that present petitioner did not appear before the trial Court to face the trial despite issuance of process from time to time. On each and every step, he tried to evade the process of Court. Even when his anticipatory bail application was disposed of with the direction to surrender he did not comply the said order and filed present petition.

Therefore, I do not find any valid reason to interfere in the findings given by the trial Court while passing impugned order dated



31.07.2024 (Annexure P-3) and the same is accordingly upheld and petition preferred by petitioner is accordingly declined.

26.09.2024

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(AMARJOT BHATTI)
JUDGE

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