

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-15441-2024 in/and
CRM-M-50794-2023 (O&M)
Date of Decision:-15.04.2024

Jaswant Kumar @ Mani ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Kumar Banga, Advocate, for the petitioner.
Mr. Gauravdeep Singh Dhaliwal, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

CRM-15441-2024

The instant application has been filed seeking extention of time to appear before the trial Court in compliance of order dated 09.10.2023.

Learned counsel for the applicant-petitioner as well as learned State counsel have expressed that they have no objection in case the main case itself is taken up for hearing today which is otherwise fixed for 24.07.2024.

In view of the aforestated submission, the main case is preponed from 24.7.2024 and is taken on Board today itself.

CRM-M-50794-2023 (O&M)

1. By way of filing the instant petition, the petitioner assails order dated 03.07.2023 passed by learned additional sessions judge, SBS Nagar,

(Annexure P-5) vide which the trial court had cancelled his bail and had issued arrest warrants.

2. This Court vide order dated 09.10.2023 had granted interim protection to the petitioner directing that no coercive steps be taken against the petitioner till the next date, in case he appears and surrenders on 17.10.2023 and that he would be admitted to interim bail. However, it appears that the petitioner did not surrender on the date fixed and on the next date before this Court a request was made to the Court for extension of time to surrender on the ground that it was on account of some inadvertent error that he could not surrender earlier. This Court, accepting the said request passed the following order on 15.12.2023:-

“Learned counsel for the petitioner submitted that the petitioner could not surrender before the learned trial Court in pursuance of order passed by this Court on 09.10.2023 because of inadvertent mistake. He further submitted that he has clear instructions from the petitioner to state that the petitioner will now surrender before the learned trial Court within a period of one week from today.

Let the petitioner surrender before the learned trial Court within a period of one week from today.

The other terms and conditions of the order dated 09.10.2023 passed by this Court shall remain the same.

Adjourned to 25.01.2024.

It is made clear that no further time will be granted to the petitioner.”

3. However, even despite order dated 15.12.2023, the petitioner did not chose to appear and today another request for extension of time has been made. Learned counsel for the petitioner, at this stage, has however, made a request that he may be permitted to withdraw the present petition with liberty to surrender before the trial Court and to apply for grant of regular bail.

4. In view of the aforesaid request, the present petition is dismissed as withdrawn with liberty aforesaid.
5. In case the petitioner surrenders before the trial Court within a period of 10 days from today and moves an application for grant of regular bail, the Trial Court shall consider the same expeditiously while taking into account the observations made in concluding paragraph of judgment passed by this Court in CRM-M-39172 of 2021 titled Pawan Kumar Vs. State of Haryana and another decided on 21.9.2021, which reads as under:

“12. 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.”

6. The petition stands disposed off accordingly

15.04.2024

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No