

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

109

CRM-M-64871-2024

Date of Decision : December 20, 2024

AMAN KUMAR ALIAS HONEY

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Amanpreet Singh Pannu, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, prayer is made for grant of pre-arrest bail to the petitioner, in FIR No.152 dated 24.07.2023, under Sections 379-B, 34, 411 of the IPC, registered at P.S. Dasuya, District Hoshiarpur.

2. The learned counsel for the petitioner submits that, vide order dated 31.08.2023 (Annexure P-2), the petitioner was granted the concession of regular bail by the learned Additional Sessions Judge, Hoshiarpur. Post his release on bail, the petitioner was admitted in Rehabilitation Centre and he was discharged therefrom on 03.12.2024, as is evident from the Discharge Certificate (Annexure P-3). During his admission in the Rehabilitation Centre, the petitioner could not appear before the learned trial Court, which resulted in the latter drawing the order dated 21.10.2024 (Annexure P-4), thereby cancelling the petitioner's bail order and forfeiting his bail bonds and surety bonds to the State. Moreover, non bailable warrants have been issued against the

petitioner and notice has also been issued to his surety.

3. By citing the circumstances (*supra*), the learned counsel for the petitioner submits that, the absence of the petitioner before the learned trial Court was neither intentional nor wilful, rather was *bona fide*.

4. Although the learned counsel for the petitioner made a vociferous attempt to assail the validity of the order (Annexure P-4), however, he failed in his endeavour. In the above scenario, the learned counsel for the petitioner makes a request that the petitioner does not have any intention to escape from the clutches of law and he is ready and willing to join the trial proceedings, in case he is granted adequate protection.

5. Although this Court does not find any illegality or perversity in the order (Annexure P-4), however, considering the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the underlying object behind issuance of “nonailable warrants”, which is in fact to secure the presence of an accused for facing trial, can be achieved through the petitioner becoming directed to cause appearance before the learned trial Court, therefore, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court within 10 days from today. In case, the petitioner appears within the above stipulated period and furnishes fresh bail/surety bonds to the satisfaction of the learned trial Court, he shall be released on regular bail. The operation of the order (Annexure P-4) shall remain stayed for the next 10 days. However, this relief is subject to the petitioner depositing costs of ₹ 5000/- with the District Legal Services Authority concerned.

6. It is clarified that, in case, the petitioner fails to appear before the learned trial Court concerned within the above stipulated period, the protection granted hereinabove *qua* his arrest shall stand *ipso facto* vacated, without any further reference to this Court.
7. It is also clarified that this order does not cause any impediment for the learned trial Court concerned to initiate proceedings under Section 446 of the Cr.P.C./491 of the B.N.S.S.
8. Disposed of accordingly.

December 20, 2024
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(KULDEEP TIWARI)
JUDGE

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