

Dr. Sumeet Sofat Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Feb. 17, 2011

Acts Referred: Arms Act, 1959 " Section 25

Criminal Procedure Code, 1973 (CrPC) " Section 439

Penal Code, 1860 (IPC) " Section 120, 120B, 182, 211

Hon'ble Judges: Daya Chaudhary, J

Bench: Single Bench

Judgement

Daya Chaudhary, J.

The present petition has been filed u/s 439 Code of Criminal Procedure for grant of regular bail to the Petitioner Dr.

Sumeet Sofat in case FIR No. 241 dated 11.8.2005 registered at Police Station Division No. 5, Ludhiana under Sections 406, 420, 465, 467,

468, 471 and 120B IPC.

2. Notice of motion was issued on 14.12.2010.

3. Learned Counsel for the Petitioner submits that the Petitioner was on regular bail and was attending the Court proceedings regularly.

Subsequently, an application was moved by the Petitioner for exemption from personal appearance, which was dismissed and non bailable

warrants were issued against him. Learned Counsel for the Petitioner also submits that application of the Petitioner was wrongly dismissed only on

the ground that he himself is a Doctor and has produced on record a certificate issued by some other Doctor.

4. Learned State Counsel opposes the bail on the ground that the Petitioner has misused the concession of bail and some other cases, i.e., FIR

No. 365 of 2009 under Sections 376, 377, 323, 506, 182, 211 and 120B IPC at Police Station Kotwali, District Dehradun and FIR No. 149

dated 19.7.2009 under Sections 341, 307, 182 and 120 IPC and 25 of Arms Act at Police Station Chandi Mandir are pending against him.

5. Learned Counsel for the Petitioner submits that the Petitioner is on bail in both the cases as the bail has been granted in FIR No. 365 of 2009

by the High Court of Uttarakhand at Nainital and in FIR No. 149 dated 19.7.2009, bail has been granted by the learned trial Court, Panchkula.

6. Learned Counsel for the complainant has also opposed the bail and has reiterated the arguments raised by learned State Counsel.

7. Heard the arguments of learned Counsel for the parties and have also gone through the impugned order as well as other documents available on

file and the documents annexed with application filed by the Petitioner for exemption from personal appearance.

8. Since the Petitioner has been appearing regularly and was on bail. The application for exemption from personal appearance was dismissed only

on the ground that certificate of some other Doctor has been placed on record whereas he himself is Doctor. This ground seems to be

unconvincing and it is not necessary that a Doctor is to be examined by himself. Keeping in view the fact that since Petitioner is on bail in other

cases as mentioned above and in this case also the Petitioner was on bail and only because of the reason that application for exemption from

personal appearance was not accepted by giving a vague finding, which is not even worth convincing, impugned order dated 15.11.2010 passed

by learned Additional Sessions Judge, Ludhaina is set aside and the Petitioner is ready to appear before the trial Court to join the proceedings. He

is directed to appear before the trial Court and furnish fresh bail bonds and surety bonds to its satisfaction and on doing so, he shall be released on

bail.