

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M-10711-2016 (O&M).
Decided on: March 30, 2016.**

Kulwinder Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Vishal Aggarwal, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

For having absented on 1.12.2015, non-bailable warrants were issued against the petitioner raising a reasonable apprehension of arrest. Application seeking relief under Section 438 Cr.P.C., has been dismissed by the Sessions Court observing that the petition is not maintainable.

Counsel for the petitioner has submitted that the petitioner had noted wrong date of hearing inadvertently.

In the interest of expeditious disposal of the trial and striking a balance between right of the petitioner of liberty and right of the prosecution agency to secure presence of an accused on each date of hearing, I deem it appropriate to dispose of this petition in limine by issuing a direction to the petitioner to put in appearance before the trial Court on the date fixed.

Notice to the Advocate General, Punjab.

On asking of the Court, notice has been accepted by Ms.H.K.Athwal, DAG., Punjab, present in the Court. Copy given.

This petition is disposed of with a direction to the petitioner that the petitioner will move an application explaining the circumstances of his absence on 1.12.2015. The trial Court shall consider the said circumstances and would accept the fresh bail bonds in case satisfied with the bona fide of the petitioner-accused. In case the trial Court is not satisfied with the explanation offered by the petitioner-accused and opts to dismiss the application for accepting fresh bail bonds, the petitioner will not be arrested for a period of next 10 days in order to enable him to avail appropriate legal remedy.

**(M.M.S. BEDI)
JUDGE**

March 30, 2016.