

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22327-2015 &

CRM-M-34430-2016

Date of decision: September 28, 2016.

Gurtej Singh @ Teji

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri S.K. Bawa, Advocate for the petitioner.

Ms. Rimpaljeet Kaur, Assistant Advocate General, Punjab.

A.B. Chaudhari, J. (Oral):

In CRM-M-34430-2016, the petitioner has put to challenge the order dated 15.5.2015 (corrected as 15.5.2014 on the request of the counsel for the petitioner), made by JMIC, Phillaur, District Jalandhar by which the petitioner was declared a proclaimed offender. In the other petition bearing CRM-M-22327-2015, the petitioner is consequently seeking the relief of grant of anticipatory bail. Both these petitions are being disposed of by this common order.

In FIR No.124 dated 16.12.2012, registered under Sections 307, 341, 148, 149 IPC and Section 25 of the Arms Act, Police Station Bilga, District Jalandhar, the petitioner is an accused along with others. The charge sheet was filed before the trial court by the police against the petitioner and others and at the stage of committal of the proceedings since the petitioner was not available or was absent before the trial court, the trial

court made an order of committal after declaring the petitioner a proclaimed offender. The case was then committed to the Sessions Court.

Learned counsel for the petitioner submits that he was not actually served but the reports were sent to the learned Magistrate that the petitioner was absent from the village. He however submits on instructions from the petitioner that the petitioner would appear before the trial court upon surrendering and would also furnish the bail bonds to the satisfaction of the Sessions Judge, Jalandhar. He further submits that the petitioner would appear before the Sessions Court hereinafter with promptitude and would not make any default in appearance before the court until the trial is completed.

In my opinion, the petitioner is entitled to be given a chance to have liberty rather than pushing him in jail in the present matter as the petitioner has undertaken to appear before the Sessions Court, Jalandhar hereinafter with promptitude and to furnish fresh bail bonds and not to make any default in appearance before the Sessions Court. In that view of the matter, finding no fault with the trial Judge, impugned order of the trial court and in order to give a chance to the petitioner to be at large, I make the following order:-

(i) CRM-M-34430-2016 is allowed;

(ii) the impugned order dated 15.5.2015 (corrected as 15.5.2014 with leave of the Court to amend the date of the impugned order) is quashed and the petitioner shall appear before the Sessions Court, Jalandhar on 19.10.2016 and shall furnish the bail bonds to the satisfaction of the Sessions Judge,

Jalandhar;

- (iii) in the sessions trial, the petitioner shall continue to appear before the trial judge with promptitude;
- (iv) the plea of anticipatory bail consequently stands merged with this order.

Disposed of.

September 28, 2016.
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[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No