

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

CRL. MISC. No.M-35312 OF 2016 (O&M)
DATE OF DECISION : 6th OCTOBER, 2016

Shamsher Singh @ Sonu

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Rishu Mahajan, Advocate for the petitioner.

* * * *

A. B. CHAUDHARI, J. (ORAL)

Notice of motion.

Mr. Shilesh Gupta, Additional Advocate General, Punjab
accepts notice on behalf of the State.

Rule heard forthwith with consent of counsel for the parties.

Heard learned counsel for the rival parties.

This is petition for regular bail in case FIR No.207 dated
18.09.2013, registered under Sections 22/61/85, Police Station Jandiala
Guru, District Amritsar.

Learned counsel for the State opposed this petition on the
ground that the petitioner remained absent on 09.08.2016 and since he
was released on bail by virtue of statutory provision under Section 167(2)
Cr.P.C., the petitioner is not entitled to grant of bail for his absence.

It is not in dispute that the petitioner was released on bail by
virtue of statutory right given to him under Section 167(2) Cr.P.C. The
petitioner remained absent on 09.08.2016 before the Court and that seems
to be the first default in his appearance before the trial Judge. Whether

he was granted bail by virtue of statutory provision that does not curtail his right like any other person on bail.

In my opinion, one more chance should be given to the petitioner to appear and face the trial since the trial itself relates to the year 2013. In that view of the matter, in order to give a chance to the petitioner, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-35312 OF 2016 is allowed.
- (iii) The petitioner is granted regular bail in FIR No.207 dated 18.09.2013 registered under Sections 22/61/85, Police Station Jandiala Guru, District Amritsar to the satisfaction of concerned CJM/Duty Magistrate.
- (iv) The petitioner would appear before the trial Court with promptitude and shall cooperate with the trial till the completion of trial.
- (v) Any further default would be viewed seriously by the trial Court.
- (vi) The trial shall be completed expeditiously.

Disposed of accordingly.

6th OCTOBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

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