

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

(240)

CRM-M-36532-2016

Date of Decision:-20.10.2016

Harjit Singh

....Petitioner

V/S

State of Punjab

.....Respondent

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

Present : Mr. Naveen Batra, Advocate,
for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

A.B. Chaudhari, J. (Oral)

Rule heard forthwith.

It is not in dispute that the petitioner was on bail during trial. The reason for grant of bail at that time was want of receipt of FSL report and thus it was in the nature of interim bail. While on bail the petitioner did not appear before the trial Court and as such he was declared proclaimed offender by order dated 11.02.2016 and was then arrested on 13.06.2016 and since then he is in judicial custody.

Learned counsel for the State has vehemently opposed this application on the ground that indeed now the FSL report shows that 200 grams of intoxicant powder was found of commercial quantity and, therefore, the petitioner would not be entitled to grant of regular bail. Perusal of the impugned order does not show that the order granting bail was revoked on the ground of receipt of the FSL report. This Court has, therefore, no occasion to consider the plea raised by the learned Addl.

Advocate General and, therefore, liberty will have to be reserved in favour of the State to take such steps as available in law qua the said interim order after the receipt of FSL report.

Be that as it may, looking to the impugned order, I find that because the petitioner had not appeared before the Court, his bail was cancelled and he was declared proclaimed offender. The learned counsel for the petitioner on instructions makes a statement that the petitioner hereinafter would appear before the trial Court with promptitude and would co-operate for completing the trial.

In that view of the matter, I am inclined to continue the petitioner on bail before the trial Court in the pending trial. Of course, the right of the prosecution to apply for recall the interim order of bail stands reserved as stated earlier.

Hence, the impugned order Annexure P-2 is quashed and set aside. The petitioner shall continue to be on bail during trial subject to the stipulation made in this order.

Disposed of.

October 20, 2016

pankaj

(A.B. CHAUDHARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No