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

CRM-M-38035 of 2016

Date of decision: October 24, 2016

Hind Pal

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. B.D. Sharma, Advocate
for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of this Court, Ms. Rajni Gupta, Addl. AG
Punjab accepts notice on behalf of the State.

Rule. Heard forthwith learned counsel for the rival parties.
With the consent of the rival parties, leave to amend the prayer clause
in order to put a challenge to the order dated 30.08.2016 (Annexure P-
2). Office to carry out amendment within one week.

Undisputedly, petitioner was on bail for the last 2 years
that was granted by the trial Court. Petitioner had furnished bail bonds
and appeared before the trial Court regularly while on bail. However,
petitioner defaulted in making his appearance before the trial Court on
30.08.2016 as wrong date was noted down by the petitioner.

Learned counsel for the petitioner submits that this was the
first occasion that the petitioner had defaulted in making his
appearance and therefore, liberty of the petitioner should not be taken

away for that reason.

The impugned order dated 30.08.2016 shows that the learned Special Court issued non-bailable warrants as the petitioner failed to appear before the trial Court and cancelled bail bonds and also issued notice to the surety.

Without finding any fault with the impugned order, I think the petitioner should be allowed to be on liberty to face the trial which is pending for the last 3 years as he has faulted for the first time in making his appearance. In that view of the matter, I make the following order:-

ORDER

- (i) Rule is made absolute.
- (ii) The impugned order dated 30.08.2016 (Annexure P-2) is set aside. Petitioner to appear before the trial Court on the appointed date, i.e. 04.11.2016 and furnish fresh bail bonds before the trial Court and thereafter, continue to appear before the trial Court and cooperate to complete the trial.
- (iii) Disposed of.

(A.B. CHAUDHARI)
JUDGE

October 24, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No