

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

CRM-M-38433-2016

Date of decision: November 07, 2016.

Tarsem Singh

... **Petitioner**

v.

State of Punjab

... **Respondent**

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

Present: Shri Prateek Pandit, Advocate for the petitioner.

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

Heard Learned Counsel for the petitioner. In FIR No.81 dated 22.5.2014, under Sections 457, 380, 411 IPC, PS Division No.8, Jalandhar, the petitioner was on bail. However, during trial, he made an absent and as stated, he applied for grant of anticipatory bail before learned Additional Sessions Judge, Jalandhar who granted the same with the condition to do the needful within 10 days before the Magistrate by an order dated 4.6.2016. The petitioner failed to appear. He again applied to the court of learned Additional Sessions Judge, Jalandhar on 30.7.2016 when the application was called out, he remained absent. As such, the application was dismissed for want of prosecution.

The offences are triable by the Magistrate. Learned Counsel for the petitioner makes a statement that the petitioner be given a chance to appear and contest the prosecution against him though there is a default on his part on a few occasions. However, according to him, since 2014, he has

been appearing regularly before the trial court.

It is true that the petitioner should be relegated to the Sessions Court again but then, there is hardly any point in asking the petitioner to do so particularly because he undertakes to appear before the trial court hereinafter with promptitude and in order to save the time of the Sessions Court as well. But then, it will be by way of last chance and with reasonable costs. Thus, without finding fault with the impugned order, I make the following order:-

ORDER

- (i) the petitioner shall continue to be on bail before the trial court in the FIR in question till the completion of trial upon his undertaking on affidavit before the trial court that he would appear with promptitude and fully cooperate with the trial court;
- (ii) the trial Judge shall then release the petitioner on bail upon furnishing fresh bail bonds to his satisfaction;
- (iii) it is made clear that by way of last chance, the petitioner shall have to pay costs of Rs.5,000/- to the State of Punjab as a pre-condition for release on bail.
- (iv) The petition is disposed of.

[A.B. Chaudhari]
Judge

November 07, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No