

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

CRM-M-43068-2016 (O&M)
Date of decision: December 02, 2016.

Inderpreet Singh

... **Petitioner**

v.

State of Punjab

... **Respondent**

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

Present: Shri Ravi Malhotra, Advocate for the petitioner.

Shri Shailesh Gupta, Additional Advocate General, Punjab.

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

Rule. Heard forthwith. Mr. Gupta waived off service.

The petitioner is facing trial arising out of FIR No.12 dated 20.1.2010, under Sections 323, 324, 452, 506, 148, 149 IPC (Sections 307/326 IPC added later on), Police Station Sadar Jalandhar, District Jalandhar and was on bail. The petitioner has been appearing during trial before the trial court. The prosecution evidence, according to Learned Counsel for the petitioner, has been recorded and completed and the case is now fixed for defence evidence tomorrow. He submits that the case was registered on 20.1.2010 when the petitioner along with two co-accused had moved an application for exemption as the petitioner was under detention in view of the registration of a new case against him at PS Sadar, Jalandhar. The trial court, however, refused to grant exemption by order dated 9.5.2016 and cancelled the bail bonds and issued non bailable warrants of arrest of

the petitioner vide order dated 23.5.2016 and thereafter also declared him proclaimed offender by order dated 30.8.2016 (Annexure P-1). The petitioner is aggrieved of the above orders and submits that hereinafter the petitioner would appear before the trial court with promptitude and would not make a default in appearance before the trial court till the trial is completed.

Learned Counsel for the State has opposed the plea. However, I find that the trial is going on for the last 6 years and the petitioner has been attending the trial court. The reason that a new offence was registered against the petitioner at PS Sadar Jalandhar, cannot be said to be an absurd reason.

Be that as it may, without finding any fault with the trial court, the petitioner deserves to be given a chance to have liberty for facing the trial instead of pushing him into jail when the prosecution evidence has been completed, therefore there is no need to detain the petitioner in jail.

In that view of the matter, orders cancelling the bail bonds, issuing non bailable warrants of arrest and declaring the petitioner as proclaimed offender are set aside. The petitioner shall continue to appear before the trial court with the same bail bonds.

The petition is disposed of.

[**A.B. Chaudhari**]
Judge

December 02, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No