

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

(107)

CRM-M-8815-2016

Decided on: March 14, 2016.

Paramjit Kumar

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Vaibhav Narang, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Petitioner apprehends arrest on account of having absented on 03.09.2014 during trial resulting in issuance of non-bailable warrants.

It appears that without approaching the Sessions Court, the petitioner has filed this petition in the High Court.

Learned counsel for the petitioner has made an attempt to explain the reason for absence on 03.09.2014 contending that since the petitioner was involved in another case, he was not able to appear in the Court. It is claimed that he has now been acquitted in another case by this Court.

Learned counsel for the petitioner submits that on account of an apprehension of immediate arrest, the petitioner was not able to file petition before the Sessions Court.

I do not find any force in the contention of learned counsel for the petitioner.

I have considered the facts and circumstances of the case and I am of the opinion that the judicial propriety demands that the petitioner should approach the Sessions Court at the first instance and explain the circumstances for non-appearance. The said Court on the basis of pleas taken by the petitioner may grant relief of pre-arrest bail to the petitioner.

This petition is disposed of relegating the petitioner to avail the remedy under Section 438 Cr.P.C by filing a similar petition before the Sessions Court, Kapurthala.

(M.M.S. BEDI)
JUDGE

March 14, 2016
harsha