

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101

CRM-M-147-2017.

Decided on: January 10, 2017.

Bhajan Singh

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

* * *

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

* * *

**PRESENT Mr.Digvijay Nagpal, Advocate,
for the petitioner.**

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

While on bail, during pendency of trial, the petitioner absented on 5.12.2016 resulting in issuance of non-bailable warrants against him. In said circumstances, apprehending arrest, the petitioner filed a petition under Section 438 Cr.P.C., before the Sessions Court for the grant of pre-arrest bail which has been dismissed for the reasons that warrants of arrest have been issued by the said Court as such, it was not maintainable.

Notice to the Advocate General, Punjab.

On asking of the Court, notice has been accepted by Ms.Anu Pal, AAG, Punjab, present in the Court. Copy given.

I have considered the facts and circumstances of the case.

On asking of the court, counsel for the petitioner submits that there was reasonable cause for non-appearance of the petitioner on 5.12.2016. The reasons given by counsel for the petitioner do not appear to be good but in the interest of expeditious disposal of the petition, this petition can be disposed of in limine. It is observed that when warrants of

arrest are issued against a person and he has got reasonable apprehension of arrest, the said circumstance is sufficient enough to constitute a reasonable apprehension of arrest warranting the filing and maintainability of the petition under Section 438 Cr.P.C.

Without expression of any opinion on the reasonableness of absence of the petitioner on 5.12.2016, this petition is disposed of in limine, with a direction that the petitioner will appear before the trial Court within a period of 15 days from today. In case of petitioner doing so, he shall be released on bail to the satisfaction of the trial Court.

It is made clear that in case the petitioner fails to comply with this order, this petition will be deemed to have been dismissed.

(M.M.S. BEDI)
JUDGE

January 10, 2017.
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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No