

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

CRL. MISC. No.M-18567 OF 2017
DATE OF DECISION : 12th JULY, 2017

Nishan Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.139 dated 26.07.2012 registered under Section 420 IPC at Police Station City Batala.

Notice of motion.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab accepts notice on behalf of the State of Haryana.

Rule.

Heard forthwith with consent of counsel for the rival parties.

The petitioner was on regular bail in this FIR during the trial. However, the petitioner remained absent before the trial Court and did not appear till 06.05.2016 and ultimately the trial Court declared him proclaimed offender. The trial Court consequently issued non-bailable warrants for his arrest.

The FIR relates to the year 2012. The petitioner was at fault for not attending the Court on the several dates, thus obstructing the trial.

In that view of the matter, no fault can be found out with the order of the trial Court as well as of the Sessions Court, since the petitioner has obstructed the trial by remaining absent on several dates. However, I find that since the petitioner was already on bail and the case is triable by the Magistrate, the petitioner should be given a chance to be at liberty during the trial instead of pushing him in jail, but then subject to payment of some cost to be forfeited to the State.

In that view of the matter, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-18567 OF 2017 is allowed.
- (iii) The petitioner is granted anticipatory bail in the present FIR on furnishing fresh bail bonds to the satisfaction of the trial Court, subject to deposit of cost amount ₹5,000/- with the trial Court within two weeks from today as a pre-condition.
- (iv) The petitioner shall continue to appear before the trial Court with promptitude till the completion of trial.
- (v) Any further failure on the part of the petitioner shall result into taking him in custody by the trial Court.

Disposed of accordingly.

12th JULY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*