

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

**CRM-M No.2132 of 2017 (O&M)
Date of Decision: 07.03.2017**

Gajinder Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kulbhushan Raheja, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C., the petitioner prays for grant of anticipatory bail in FIR No.220 dated 06.10.2014, registered under Sections 457, 380, 436, 427, 201 IPC at Police Station City Kotkapura, District Faridkot.

Vide order of this Court dated January 24, 2017, while issuing notice of motion, it had been directed that in the event of appearance of the petitioner before the trial Court, he be released on ad-interim bail to the satisfaction of the trial Court.

It is not disputed that in this case the petitioner was released on regular bail vide order of this Court dated 08.12.2015 in **CRM-M No.40329 of 2015 – Gurjinder Singh @ Lavi Deora and another Vs. State of Punjab**. Thereafter, on 15.11.2016, when the petitioner did not appear before the trial Court, his bail bonds were cancelled and non-bailable warrants were issued for his arrest. It is at that stage that the petitioner applied for anticipatory bail.

Learned counsel for the petitioner submits that the petitioner

was arrested in another case i.e. FIR No.38 dated 06.05.2016 in which he was granted bail on 25.10.2016 and for this reason he was not aware with regard to the date fixed before the trial Court in the present case which was 15.11.2016. It is submitted that the non appearance of the petitioner was bona-fide.

Learned State counsel disputes the fact that the petitioner was not aware with regard to the date fixed in the case before the trial Court and submits that the non-appearance of the petitioner on 15.11.2016 was intentional.

Without entering into the controversy as to whether the petitioner was aware or not with regard to the date fixed before the trial Court, since in this FIR in which he seeks anticipatory bail, under interim orders granted by this Court, the petitioner has appeared before the trial Court on 27.01.2017 and has been admitted to interim bail and learned counsel for the petitioner undertakes on behalf of the petitioner that on all future dates in the trial, unless otherwise exempted by the Court, the petitioner would appear before the trial Court, the interim order dated January 24, 2017 granting ad-interim bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

If the petitioner is found indulging in any other criminal activity/misusing the concession of bail, it will be open to the State to move an appropriate application before the Competent Court/this Court for cancellation of the granted bail to the petitioner through this order.

March 07, 2017*rittu***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No