

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

CRL. MISC. No.M-21841 OF 2017 (O&M)
DATE OF DECISION : 10th JULY, 2017

Sunil Kumar @ Ricky

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Avtar Singh Bhatti, Advocate for the petitioner.

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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.146 dated 04.10.2014 registered under Section 61/1/14 of the Punjab Excise Act 1914 at Police Station Model Town, District Ludhiana.

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. He remained absent and as such his bail bonds were cancelled. However, learned JMIC on 05.02.2015 made an order granting bail to the petitioner on his application having been satisfied about the medical evidence showing that he could not attend the Court due to the fracture to his right leg. The Court then fixed the case on 23.03.2015 for further consideration on charge. However the petitioner again remained absent on 20.08.2015, thus obstructing the trial. The petitioner then applied for anticipatory bail before the sessions Court which was rejected vide order

dated 31.05.2017 (Annexure P-2). The petitioner ought to have challenged the said order in the present petition along with the order of the trial Court issuing proclamation order by canceling his bail bonds.

Be that as it may, instead of allowing the petitioner to withdraw the present petition and will file fresh petition, I think the present petition in the present form should be disposed of.

Learned counsel for the petitioner makes a statement on instructions from his client that though the petitioner has failed to attend the trial Court and though was guilty of obstructing the trial, now he would not make any default in appearing before the trial Court and would attend the trial with promptitude. He would also not seek any exemption for personal appearance.

In my opinion, no fault can be found out with the impugned order since the petitioner has obstructed the trial by remaining absent. However taking in to consideration the statement made by counsel for the petitioner, the petitioner should be given one more chance to be at liberty during the trial, 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-21841 OF 2017 is allowed.
- (iii) The petitioner is granted anticipatory bail in the present FIR on furnishing bail bonds to the satisfaction of the trial Court, subject to deposit of ₹10,000/- 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.

10th JULY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No