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

CRM-M-23364 of 2017

Date of decision: July 06, 2017

Khushdeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG Punjab accepts notice on behalf of the State.

Rule. Heard forthwith with the consent of learned counsel for the parties.

The petitioner seeks anticipatory bail in complaint case No.46-A dated 12.07.2013, 36/12.07.2015/26.05.2015, under Sections 323, 324, 341, 506, 120-B of Indian Penal Code, 1860, titled Kulwinder Singh versus Paramjit Singh and others. There was challan filed against the petitioner and others. The petitioner was summoned but he did not appear.

Learned counsel for the petitioner submits that the petitioner was not aware about the proceedings because he was, at the relevant time, in foreign country as he had gone for his livelihood, as stated in Paras 3 and 4 of the petition.

Since the petitioner did not appear, the trial Court after having waited for sufficient time made an order on 01.06.2017 (Annexure P-2)

declaring him proclaimed offender, which is impugned in the present petition. As yet, consequent proceedings under Section 174-A IPC have not been initiated. The petitioner has also not claimed anticipatory bail apprehending his arrest under section 174-A IPC which is non-bailable. On the contrary, he has sought bail in bailable offences. Anticipatory bail is not maintainable in respect of bailable offences. However, looking to the interest of justice, I find that there is an impugned order dated 01.06.2017 (Annexure P-2), which stares at the face and one can easily understand that the petitioner would certainly apprehend arrest under Section 174-A IPC, which is in two parts and both parts are non-bailable. Learned counsel for the petitioner submits that the petitioner would like to join trial and would attend the trial with promptitude. In my opinion, one chance to the petitioner to be at liberty, looking to the nature of offences, which are bailable offences, deserves to be given to the petitioner. In the result, I make the following order:-

ORDER

- (i) Impugned order dated 01.06.2017 is set aside without finding any fault with it;
- (ii) The petitioner shall appear before the trial Court and furnish fresh bail bonds to the satisfaction of the trial Court. Upon which, trial Court shall release him on anticipatory bail. The petitioner shall attend the trial with promptitude and shall cooperate for its expeditious disposal.
- (iii) Disposed of.

(A.B. CHAUDHARI)
JUDGE

July 06, 2017

mahavir

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