

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

CRL. MISC. No.M-23447 OF 2017
DATE OF DECISION : 7th JULY, 2017

Lakhbir Singh alias Landa

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Ashish Aggarwal, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

Notice of motion.

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

Rule heard forthwith with consent of counsel for the parties.

The petitioner was released on regular bail with the aid of Section 167(2) of the Cr.P.C. in FIR No.83 dated 22.06.2015 for possession of 260 grams of heroin and on pistol 7.65 MM (0.32") along with five live cartridges. The bail granted to the petitioner was not on merits but was due to the statutory provisions.

Be that as it may. When the case before the trial Court was taken up for hearing the petitioner remained absent. The case is alleged to be of the year 2015 and, therefore, the trial Court was justified in passing the impugned order dated 27.03.2017 as the petitioner remained absent on that date. Learned counsel for the petitioner submits that the challan has yet to be filed.

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

ORDER

(i) Rule is made absolute.

- (ii) Impugned order dated 27.03.2017 (Annexures P-3) passed by learned Additional Sessions Judge, Tarn Taran is set aside, subject to deposit of ₹5,000/- by the petitioner with the trial Court which shall be forfeited to the State of Punjab.
- (iii) The petitioner is granted anticipatory bail in FIR No.83 dated 22.06.2015 on the bail bonds earlier furnished by him before the trial Court.
- (iv) The petitioner would appear before the concerned Court, in the above said FIR, with promptitude till the completion of trial. The trial Court shall take up the trial and complete the same as expeditiously as possible.
- (v) Any further failure on the part of the petitioner shall result into trial Court taking him in custody.

Disposed of accordingly.

7TH JULY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No.</i>