

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23881-2017

Date of decision: July 11, 2017.

Vipin Kumar

... **Petitioner**

v.

State of Punjab

... **Respondent**

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

Present: Shri JPS Brar, Advocate for the petitioner(s).

Shri Ramandeep Singh Sandhu, Sr. Dy. AG, Punjab.

A.B. Chaudhari, J. (Oral):

Rule. Heard forthwith. Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab waives service.

The petitioner was on regular bail in FIR No.206 dated 29.10.2013, under Sections 304/34 IPC, registered at Police Station City Kotkapura, District Faridkot. The petitioner failed to appear before the trial court during trial on 28.3.2017 nor any exemption application was filed for his absence. Learned counsel for the petitioner submits, inviting my attention to Annexure P-1, that on that date, the petitioner was in custody in other case under Section 61 of the Excise Act in FIR No.42 dated 25.3.2017 and that is why he could not appear before the trial court nor could inform his counsel.

In my opinion, there is no point in pushing the petitioner in jail as under-trial and the reason given by him appears to be correct. Even otherwise the case relates to the year 2013 and the Learned counsel for the

petitioner makes a statement on instructions from the petitioner that the petitioner would appear before the trial court with promptitude and shall not absent himself in the trial. In that view of the matter, following order is passed:-

ORDER

- (i) CRM-M-23881-2017 is allowed;
- (ii) the petitioner shall continue to be on bail in FIR No.206 dated 29.10.2013, under Sections 304/34 IPC, registered at Police Station City Kotkapura, District Faridakot ;
- (iii) the order cancelling bail in pursuance of non-bailable warrants is set aside.

July 11, 2017.

kadyan

[A.B. Chaudhari]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No