

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

CRL. MISC. No.M-27183 OF 2017
DATE OF DECISION : 28th JULY, 2017

Surjit Kumar @ Jeeta

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Anil Kumar Spehia, 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 rival parties.

The petitioner was already on regular bail. However during the trial the petitioner remained absent on 13.07.2017. As such the trial Court noting his absence issued non-bailable warrants against him for his presence, vide order dated 13.07.2017 (Annexure P- 3).

I do not think that any fault can be find out with the impugned order of the trial Court, since the petitioner has not attended the Court on the appointed date. However, I find that the petitioner was granted regular bail by the trial Court and counsel for the petitioner gives undertaking that the petitioner would file affidavit before the Court below to appear there with promptitude and shall not make any default, I think the petitioner should be given a chance.

In that view of the matter, I am inclined to pass the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-27183 OF 2017 is allowed.
- (iii) Order dated 13.07.2017 (Annexure P- 3) is quashed and set aside.
- (iv) The petitioner is granted anticipatory bail in the present case on furnishing fresh bail bonds to the satisfaction of the trial Court.
- (v) The petitioner would file an affidavit before the Court below as aforesaid and shall continue to appear before the trial Court with promptitude till the completion of trial.
- (vi) Any further failure on the part of the petitioner shall result into trial Court taking him in custody.

Disposed of accordingly.

28th JULY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*