

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

**CRM-M No.2807 of 2017
Date of Decision: 16.03.2017**

Gurdeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in FIR No.15 dated 23.02.2014 registered under Sections 307, 382, 324, 323, 427, 506, 148, 149 IPC and Sections 25/27/54/59 of Arms Act, at Police Station Goindwal Sahib, District Tarn Taran.

Vide order dated January 31, 2017, while issuing notice of motion, this Court had directed the petitioner to surrender before the trial Court and on his such surrender, he was ordered to be released on ad-interim anticipatory bail to the satisfaction of the trial Court subject to the conditions envisaged under Section 438(2) Cr. P. C.

In the FIR in question, the petitioner was granted bail but since he was arrested in another case being FIR No.42, dated 27.07.2016 in which he remained in jail till 06.08.2016, he could not appear in the present case before the trial Court on 03.08.2016 for which reason the bail granted to him in the present case was cancelled.

The above facts are not disputed by learned State counsel.

In view of the fact that the petitioner could not appear before the trial Court as he was in custody in another case shows that his non-appearance was not intentional. Even otherwise, it is not disputed that under the interim orders of this Court, the petitioner has surrendered before the trial Court and on such surrender, he has been admitted to ad-interim anticipatory bail after furnishing bail bonds/surety bonds.

In view of the above, without commenting on the merits of the case, the petition is allowed and the order dated January 31, 2017 granting ad-interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

If during the pendency of the petition, the petitioner is found indulging in any other criminal activity/misusing the concession of bail, it will be open to the State to move an appropriate application before the Competent Court/this Court for cancellation of the granted bail to the petitioner through this order.

(DEEPAK SIBAL)
JUDGE

March 16, 2017

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No