

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

**CRM-M-33605 of 2017
Decided on: 11.09.2017**

Baljeet Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Amaninder Preet, Advocate
for the petitioner.

A.B. CHAUDHARI, J (ORAL)

Notice of motion.

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

Rule.

Heard forthwith with consent of counsel for the rival parties.

Admittedly, the petitioner was released on regular bail by the
learned trial Court. The trial commenced. During trial, the petitioner
remained absent and therefore, he had filed the application of exemption for
personal appearance on health ground. The trial Court rejected his
application for exemption, cancelled his bail and issued non-bailable
warrants.

This is a petition for anticipatory bail in FIR No.62 dated
23.06.2011 under Sections 420/411/120-B/498-A/498-B/489C & 489D. In
my opinion, the petition for anticipatory bail would not be maintainable as
the non-bailable warrant was not issued for commission of any offence but
for remaining absent before the trial Court during trial.

Learned counsel for the petitioner makes statement that the petitioner would hereinafter appear before the trial Court with promptitude and would not make any default in appearing before the trial Court.

In my opinion, though the impugned order cannot be faltered, the fact remains that the petitioner was on regular bail for a longer period and there is no point in pushing him in jail, as he has undertaken not to make default.

In that view of the matter, the following order is passed:

ORDER

- (i) CRM-M-33605 of 2017 is partly allowed.
- (ii) Impugned order dated 13.03.2017 (Annexure P-2) is set aside;
- (iii) The petitioner to deposit a sum of ₹1,000/- as costs with the trial Court.
- (iv) The petitioner shall continue to appear before the trial Court with promptitude till the completion of trial.
- (v) Liberty is given to the trial Court, in case the petitioner remains absent, to take him into custody.

(A.B. CHAUDHARI)
JUDGE

11.09.2017
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No