

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

CRM-M-33631-2017

Date of decision: September 12, 2017.

Rajat Shafi and another

... **Petitioners**

v.

State of Punjab

... **Respondent**

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

Present: Shri Achin Gupta, Advocate for the petitioner(s).  
Shri Ramandeep Singh Sandhu, Sr. Dy. AG, Punjab.

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

Notice of motion. Mr. Sandhu waives service.

Rule. Heard forthwith.

It is not in dispute that the petitioners were on regular bail during trial by order dated 3.3.2017 made by learned Additional Sessions Judge by giving reasons. The petitioners remained absent on 9.5.2017 before the trial court and as such, the trial court cancelled their bail orders and issued non bailable warrants for securing their presence before the trial court. Undoubtedly, the petitioners have obstructed the trial. However, since the petitioners were given bail, a chance deserves to be given to the petitioners to be at liberty particularly because of the reasons given by the trial court while granting bail. However, that should be subject to payment of costs to the State of Punjab. In that view of the matter, the following order is passed:-

**ORDER**

(i) CRM-M-33631-2017 is allowed;

- (ii) Rule is made absolute in terms of the prayer clause;
- (iii) the impugned order dated 9.5.2017 is quashed and set aside;
- (iv) Petitioner shall furnish fresh bail bonds subject to deposit of Rs.5,000/- each with the trial court payable to the State of Punjab as a pre-condition for release on bail;
- (v) The petitioners shall attend the trial with promptitude;
- (vi) the trial court shall be at liberty to take them into custody if they ever remain absent during trial.

Disposed of.

September 12, 2017.

*kadyan*

**[ A.B. Chaudhari ]**

**Judge**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No