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

CRM-M-35508 of 2017

Date of decision: September 25, 2017

Ravinder Kumar @ Rommy

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Naveen Sharma, Advocate the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Mr. Ramandeep Sandhu, Sr.

DAG Punjab accepts notice on behalf of the State.

Heard learned counsel for the rival parties.

Petitioner seeks anticipatory bail in FIR No.2 dated 04.01.2011, under Sections 363, 342 of Indian Penal Code, 1860 (for short 'IPC') (challan under Section 173 of Code of Criminal Procedure, 1973 presented under Sections 3, 4, 5, 6 of Immoral Traffic Act, 1956), registered at Police Station PAU, District Ludhiana.

It is not dispute that the trial is pending since 2011 and that the petitioner was on regular bail. The petitioner remained absent before the Court on 30.11.2016 before the trial Court and as such, his bail was cancelled. He then approached the Additional Sessions Judge, Ludhiana, which granted relief to him to appear before the Magistrate within 10 days and to be at liberty.

Learned counsel for the petitioner, however, submits that the petitioner was not informed by the Advocate and that is why he could not comply with the said order for appearing before the trial Court.

Obviously, the Sessions Court took serious note of the conduct of the petitioner in not appearing on the appointed date and therefore, rejected his petition for anticipatory bail.

Learned counsel for the petitioner submits that one more chance, to be at liberty, be given to the petitioner since the petitioner would not hereinafter, remain absent before the trial Court.

Having heard learned counsel for the rival parties and having seen that the FIR in question relates to 2011 that too for the offences aforesaid, I do not think any useful purpose would be served in pushing the petitioner in jail during trial. I do not find any fault with the impugned orders. But then I think, one more chance should be given to the petitioner by way of last chance, subject to payment of compensatory costs of ₹5,000/- (non-refundable) to the State to Punjab to be deposited with the trial Court.

In that view of the matter, petitioner shall be released on bail upon furnishing fresh bail bonds amounting to ₹10,000/- with one surety of like amount to the satisfaction of the trial Court, subject to payment of compensatory costs of ₹5,000/- (non-refundable) to the State to Punjab to be deposited with the trial Court, as a pre-condition of this order. Petitioner shall not tamper with the prosecution evidence,

threaten or exercise any influence on the prosecution witnesses.

Petition stands disposed of.

(A.B. CHAUDHARI)
JUDGE

September 25, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No