

CRM No. M-36573 of 2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-36573 of 2017
Date of Decision : 28.09.2017

Sunil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Avtar Singh Bhatti, Advocate for the petitioner.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking for quashing of order dated 05.07.2017 (Annexure P-3), whereby he has been declared proclaimed offender in FIR No. 48, dated 14.07.2015, under Section 61-1-14 of Excise Act, registered at Police Station Rajpura, District Patiala.

Learned counsel for the petitioner contends that the petitioner had earlier been granted regular bail by the trial Court on 21.07.2015 and he had been appearing in Court on each and every date except on 04.11.2015 and thereafter as his lawyer had advised him that challan has not been filed and only in the event of challan being filed, he would be required to be present in Court. Learned counsel further contends that the petitioner is willing to surrender before the trial Court and as he was on regular bail earlier, he may be protected from arrest.

Heard.

Issue notice to respondent.

At the asking of the Court, Ms. Seena Mand, learned Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

The petitioner had earlier been granted regular bail and had been appearing before the trial Court on each and every date before 04.11.2015. The absence of the petitioner from the trial Court appears to be bona fide as he has allegedly been advised by his counsel that he was not required to appear. The petitioner is willing to surrender and appear before the trial Court and, therefore, he deserves to be protected from arrest.

Consequently, the impugned order dated 05.07.2017 is hereby set-aside. The petitioner shall appear before the trial Court and submit his bail bonds to its satisfaction. The petitioner, henceforth, shall not absent himself except with prior permission from the Court.

The petition stands disposed of accordingly.

September 28, 2017
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? Yes

Whether reportable? No