

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

CRL. MISC. No.M-38076 OF 2017 (O&M)
DATE OF DECISION : 10th OCTOBER, 2017

Harcharan Singh @ Rinku

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Sumeet Puri, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.230 dated 21.11.2013 registered under Section 420 IPC at Police Station Sadar Patiala, District Patiala.

Notice of motion.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab, accepts notice on behalf of the State of Punjab.

Rule.

Heard forthwith with consent of counsel for the rival parties.

Perused the impugned order refusing anticipatory bail to the petitioner. It is indeed true that the petitioner did not join the trial in the trial Court and remained at large. The FIR relates to the year 2013 and thus the petitioner obstructed the trial and he was declared as proclaimed person on 08.08.2016.

Learned counsel for the petitioner now makes statement on instructions from the petitioner that the petitioner would appear before the trial Court and cooperate in disposal of the trial if given a chance.

In my opinion, looking to the nature of the FIR and further fact that recited in the impugned order about the out of Court settlement, the petitioner should be given a chance to appear in the trial Court. However, since the petitioner has obstructed the trial, a compensatory cost will have to be imposed on the petitioner.

In that view of the matter, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-38076 OF 2017 is allowed.
- (iii) The petitioner has to deposit non-refundable amount of ₹10,000/- with the office of Superintendent of Police, Patiala, as a pre-condition.
- (iv) In the event of arrest in this FIR, the petitioner be released on bail to the satisfaction of the trial Court on furnishing bail bonds and receipt of the deposit of cost amount as aforesaid.
- (v) The petitioner has to surrender his passport with the trial Court.
- (vi) The petitioner shall continue to appear before the trial Court with promptitude till the completion of trial.
- (vii) Any further failure on the part of the petitioner shall result into taking him in custody by the trial Court.

10th OCTOBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*