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

CRM-M-40831 of 2017

Date of decision: December 04, 2017

Harjit Singh @ Penta

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Mr. Dhruv Dayal, Sr. DAG
Punjab accepts notice on behalf of the State.

Rule. Heard forthwith.

It is not in dispute that in FIR No.122 dated 16.10.2016,
under Sections 399, 402 of Indian Penal Code, 1860, registered at
Police Station Jaitu, District Faridkot, the petitioner was released on
regular bail by the trial Court pending trial. During the course of trial,
petitioner-Harjit Singh alias Penta remained absent on six dates before
the trial Court and as a result, he was responsible for obstructing the
trial before the trial Court.

Learned counsel for the petitioner submits that the
petitioner was suffering from Typhoid and that is why he could not
appear before the trial Court on those dates.

However, as rightly observed by the trial Court, he did not

furnish any documentary evidence to support his contention. Even now before me in the present petition, there is no such evidence placed on record. However, I find that the liberty of the petitioner should not be taken away during trial since he was released on regular bail, but then, by way of last chance and upon payment of costs to the State of Punjab, I think, the petitioner should be allowed a chance to be at liberty during trial. In that view of the matter, following order is passed:-

ORDER

- (i) CRM-M-40831 of 2017 is allowed;
- (ii) Petitioner shall be released on bail upon furnishing fresh bail bonds to the satisfaction of the trial Court, subject to deposit of non-refundable costs in the sum of ₹10,000/- with the trial Court payable to the State of Punjab;
- (iii) The trial Court shall be at liberty to take the petitioner in custody in case he again defaults in appearances.

(A.B. CHAUDHARI)
JUDGE

December 04, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No