

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

209

CRM-M-4100 of 2017

Date of Decision: May 02, 2017

Jugraj Singh

....Petitioner

vs.

State of Punjab

....Respondent

2. CRM-M-6230 of 2017

Harjiwanjeet Singh @ Samra

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Madan Sandhu, Advocate
for the petitioner in CRM-M-4100 of 2017.
Mr. Ankush Singla, Advocate for
Mr. Abhinav Jain, Advocate
for the petitioner in CRM-M-6230 of 2017.

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of **CRM-M-4100 of 2017**
(Jugraj Singh vs. State of Punjab) and **CRM-M-6230 of 2017**
(Harjiwanjeet Singh @ Samra vs. State of Punjab) as both these
petitions have been preferred under Section 438 Cr.P.C. seeking
concession of anticipatory bail to the petitioners in FIR No.8 dated
22.01.2015 under Sections 399, 402 of Indian Penal Code and
Sections 25/54/59 Arms Act, registered at Police Station Balongi,
District S.A.S. Nagar, Mohali.

On 08.02.2017, while issuing notice of motion, the following order was passed by this Court in CRM-M-4100 of 2017:-

“The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.8 dated 22.01.2015 registered under sections 399, 402 I.P.C and Sections 25, 54, 59 of Arms Act, Police Station, Balongi, District S.A.S. Nagar, Mohali.

Counsel submits that after registration of the FIR, petitioner was arrested and was granted benefit of bail by the Trial Court in terms of order dated 13.03.2015. Petitioner is stated to have thereafter regularly appearing before the Trial Court but only on account of having absented on one solitary date i.e. 19.01.2017 the concession of bail has been cancelled. Further contended that non appearance on 19.01.2017 was on account of bonafide reasons and the intent was not to evade trial proceedings.

Notice of motion, returnable for 02.05.2017.

It is directed that in case the petitioner duly appears before the Trial Court on the date already fixed i.e. 08.02.2017, he would be entitled to ad-interim bail subject to satisfaction of the Trial Court.

A copy of this order be furnished to learned counsel for the petitioner under the signatures of Bench Secretary”

Likewise notice of motion order dated 27.02.2017 in CRM-M-6230 of 2017 reads in the following terms:-

“Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.08 dated 22.01.2015, under Sections 29, 54, 59 of Arms Act, registered at Police Station Balongi, District S.A.S.Nagar, Mohali, Punjab.

Counsel submits that after the registration of FIR, petitioner was arrested and was granted benefit of bail by the trial Court in terms of order dated 24.02.2016. Petitioner is stated to have thereafter regularly appeared before the trial Court but only on account of having absented from trial proceedings on 19.01.2017, the concession of bail has been cancelled. Counsel fairly states that even

proclamation proceedings have been initiated. It is, however, contended that non-appearance of the petitioner on 19.01.2017 was on account of bona fide reasons and the intent was not to evade trial proceedings.

Notice of motion, returnable for 02.05.2017.

To be listed along with CRM No. M-4100 of 2017.

In the meanwhile, it is directed that in case the petitioner duly appears before the trial Court on the date already fixed i.e. 22.03.2017, he would be entitled to ad interim bail subject to satisfaction of the trial Court."

Learned State counsel upon instructions from ASI Avtar Singh would apprise the Court that the petitioners in both these connected petitions have since appeared before the trial Court and have been admitted to interim bail upon having furnished requisite bail bonds and surety bonds.

Accordingly, prayer made in both these petitions is accepted. Order dated 08.02.2017, passed by this Court in CRM-M-4100 of 2017 and order dated 27.02.2017 passed in CRM-M-6230 of 2017, are made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.05.2017
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Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***