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

CRM-M-42228 of 2017

Date of decision: November 14, 2017

Arshdeep Singh @ Ashu

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Sandeep Arora, 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.

Rule. Heard forthwith.

Following is the prayer in the present petition:-

“2nd petition under section 438 Cr. P.C. for grant of anticipatory bail and for issuance of direction to the Ld. Court of Additional Sessions Judge, District Sangrur to admit the petitioner on bail in the event of his arrest/surrender in pursuance of non-bailable warrants of arrest issued against him by the Ld. Trial Court on account of absence of the petitioner from the Ld. Court of Additional Sessions Judge, District Sangrur on 06.10.2017, in case FIR No.68 dated 30.05.2016, under Sections 307, 458, 326, 325, 324, 323 of Indian Penal Code, 1860, registered at Police Station Chhajli, District Sangrur.”

Petitioner seeks anticipatory bail in FIR in question. It is not in dispute that the petitioner did not remain present before the trial Court on the appointed date, namely 06.10.2017 when the case was

called several times. Learned trial Court, therefore, cancelled his bail and issued non-bailable warrants for his arrest, returnable on 24.10.2017. It is not in dispute that the petitioner was on regular bail in the said FIR, but it is stated that because of wrong noting of date, he failed to appear before the trial Court.

I have perused the FIR. It shows that the petitioner had raised *lalkara* and then thereafter, had caught hold of the brother of Salama Khan. Beyond this, there is no role attributed to him. Be that as it may, since the petitioner was already released on regular bail, but has faulted on the said date, there is no point in pushing him in jail.

Hence, without finding any fault with the impugned order, Rule is made absolute in terms of prayer clause, subject to the petitioner depositing ₹2,000/- (non-refundable) with the trial Court payable to the State of Punjab.

Disposed of.

(A.B. CHAUDHARI)
JUDGE

November 14, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No