

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

CRM No.M-46112 of 2016 (O&M)

Date of Decision: 01.03.2017

Gurmail Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kawaljyot Singh, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.182, dated 13.10.2015, under Sections 379(B), 34 and 411 IPC, registered at Police Station Division No.5, District Jalandhar.

Briefly, it may be noticed that the FIR came to be registered on the complaint of Usha Rani on the allegations that two persons had come on a black coloured motorcycle and had snatched her earrings.

Apparently, the petitioner had not appeared before the trial Court on 14.12.2016 and concession of bail was cancelled and bail bonds forfeited.

While issuing notice of motion on 23.12.2016, the submission made by counsel was noticed that non appearance before the trial Court on 14.12.2016 was on account of bonafide reasons as the wrong date has been noted down. The following order was passed on 23.12.2016:

“CRM-40670-2016

Exemption application is allowed as prayed for.

CRM-M-46112-2016

Learned counsel for the petitioner states that the

observation made by the trial Court that the petitioner was absent on 24.5.2016 and 12.7.2016 is contrary to record. The zimni orders clearly show his presence on these dates. However, the petitioner could not appear before the trial Court on 14.12.2016 as he noted a wrong date.

Notice of motion for 1.3.2017.

Meanwhile, in case the petitioner surrenders before the trial Court within a week from today, he shall be admitted on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.”

During the course of arguments today, it has gone uncontroverted that in terms of the liberty granted while issuing notice of motion by this Court, the petitioner has duly surrendered before the trial Court and has been admitted to bail on furnishing requisite bail bonds and surety bonds.

The petitioner concededly having joined trial proceedings, his custodial interrogation would not be warranted.

Accordingly, petition is allowed. Order dated 23.12.2016 passed by this Court is made absolute.

Disposed of.

01.03.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |