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

CRM-M-46132 of 2016

Date of decision: March 24, 2017

Lakhvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. S.K. Bawa, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the petitioner.

In CRM-M-46132-2016, the petitioner has put to challenge the order dated 15.5.2014, made by JMIC, Phillaur, District Jalandhar by which the petitioner was declared a proclaimed offender.

In FIR No.124 dated 16.12.2012, registered under Sections 307, 341, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959, at Police Station Bilga, District Jalandhar, the petitioner is an accused along with others. The charge sheet was filed before the trial court by the police against the petitioner and others and at the stage of committal of the proceedings since the petitioner was not available or was absent before the trial court, the trial court made an order of committal after declaring the petitioner a proclaimed offender. The case was then committed to the Sessions Court.

Learned counsel for the petitioner submits that he was not

actually served, but the reports were sent to the learned Magistrate that the petitioner was absent from the village. He, however submits, on instructions from the petitioner that the petitioner would appear before the trial court and upon surrendering, would also furnish the bail bonds to the satisfaction of the Sessions Judge, Jalandhar. He further submits that the petitioner would appear before the Sessions Court hereinafter with promptitude and would not make any default in appearance before the court until the trial is completed. Learned counsel for the petitioner further submits that, though, the petitioner has not filed application seeking grant of anticipatory bail, but he may be granted concession of anticipatory bail also and in this regard, the petitioner would file a formal application within a period of 15 days in this Court.

In my opinion, the petitioner is entitled to be given a chance to have liberty rather than pushing him in jail in the present matter as the petitioner has undertaken to appear before the Sessions Court, Jalandhar hereinafter with promptitude and to furnish fresh bail bonds and not to make any default in appearance before the Sessions Court. In that view of the matter, finding no fault with the impugned order of the trial Court and in order to give a chance to the petitioner to be at liberty, I make the following order:-

ORDER

- (i) CRM-M-46132-2016 is allowed;
- (ii) The impugned order dated 15.5.2014 is quashed and the petitioner shall appear before the Sessions Court, Jalandhar

and shall furnish the bail bonds to the satisfaction of the Sessions Judge, and upon doing so, he shall be released on anticipatory bail;

- (iii) In the sessions trial, the petitioner shall continue to appear before the trial judge with promptitude;
- (iv) Petitioner shall file a formal application seeking grant of anticipatory bail in view of bail granted to him vide this order, within a period of 15 days from today before this Court.
- (v) Disposed of.

(A.B. CHAUDHARI)
JUDGE

March 24, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No