

AVTAR SINGH V/S STATE OF PUNJAB

Present: Mr. R.K. Handa, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

The petitioner has sought anticipatory bail in FIR No.123 dated 21.10.2013 under Sections 25/54/59 of the Arms Act registered at Police Station, Shri Harbgobindpur, District Batala.

The petitioner had been convicted by the trial Court in the aforementioned FIR on 05.10.2016 and sentenced to undergo the rigorous imprisonment for one year and imposed a fine of Rs.500/-. In default of payment of fine, he has to undergo rigorous imprisonment for one month.

Learned counsel for the petitioner contends that the petitioner had filed appeal before the Sessions Judge, Gurdaspur against his conviction and the appellate Court vide order dated 04.11.2016 had suspended the execution of the sentence imposed by the trial Court. Learned counsel further contends that as the petitioner was unwell on 01.12.2016, he had intimated the Clerk of his counsel about his inability to appear before the appellate Court. However, the information could not be passed on to the learned counsel for the petitioner which led to the passing of the impugned order by the appellate Court on 01.12.2016 whereby the bail bonds were cancelled and non-bailable warrants for the arrest of the petitioner for 10.01.2017 were issued.

I have heard learned counsel for the parties.

It appears that non-appearance of the petitioner on 01.12.2016 was bona fide. It would be in the interest of justice, if the petitioner is granted

another opportunity to appear before the appellate Court and submit his bail bonds. Learned counsel for the petitioner undertakes that the petitioner shall abide by all the conditions which would be imposed upon him by the appellate Court and would appear henceforth on every date of hearing.

In the facts and circumstances, the petition is allowed and the impugned order dated 01.12.2016 is set aside. The petitioner shall appear before the appellate Court within a week from now. He shall submit his bail bonds and also abide by all the conditions which would be imposed upon him by the appellate Court.

January 09, 2017

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**