

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

Crl. Misc. M-49907 of 2017 (O&M)
Date of Decision: December 27, 2017

Harpal Singh s/o Sh. Balvir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for issuance of direction to the Arresting/Investigating Officer to release the petitioner in the event of his arrest in FIR No.12 dated 18.10.2014, under Sections 420, 419, 406, 465, 467, 468, 471, 120-B of Indian Penal Code, registered at Police Station NRI, Mohali.

Counsel for the petitioner contends that the petitioner was arrested in the aforesaid FIR on 11.12.2014 and by an order dated 19.11.2015, he was ordered to be released on regular bail. On account of the fact that he did not put in appearance on 03.03.2017, his bail bonds were cancelled and he was ordered to be served through non-bailable warrants. The petitioner thereafter moved an application before the Additional Sessions Judge, SAS Nagar, for grant of anticipatory bail, which matter was

decided by an order dated 03.04.2017 wherein, he was directed to surrender before the learned trial court within a period of ten days and to move a bail application before the trial court, which would consider the facts and decide the bail application. However, the petitioner did not put in necessary appearance before the trial court. In the meantime on 27.09.2017, the co-accused have been convicted under the said FIR substantially for a period of two years. Counsel for the petitioner contends that he may be granted protection of arrest, in order to appear before the trial court and join the proceedings.

I have heard learned counsel for the petitioner.

At the present moment, this court is not inclined to interfere with the matter. The petitioner herein is directed to surrender before the trial court within a period of 10 days from today. He will move a bail application before the trial court, who will consider the bail application, as had been directed by the learned Addl. Sessions Judge, SAS Nagar, by an order dated 03.04.2017. The bail application of the petitioner shall be decided by the trial court on the same day itself.

The petition stands disposed of with the aforesaid directions.

December 27, 2017

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No