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

CRM-M-7808 of 2017

Date of decision: March 08, 2017

Jatinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Mohd. Salim, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion to respondent No.2.

At the asking of the Court, Ms. Rajni Gupta, Addl. AG
Punjab accepts notice on behalf of the State.

Rule. Heard forthwith with the consent of the learned
counsel for the rival parties.

The petitioner was on bail in a case arising out of FIR
No.117 dated 01.09.2014, under Sections 279, 337, 338 of the Indian
Penal Code, 1860 (for short 'IPC') (Sections 304-A, 427 IPC added
lateron), registered at Police Station Amargarh, District Sangrur. The
petitioner was convicted by the trial Court and thereafter, he filed an
appeal before the Sessions Court. During the pendency of the appeal, the
appeal was called out on 06.02.2017 when he and his advocate were
absent. Lower Appellate Court, therefore, cancelled the bail bonds of the
petitioner and issued non-bailable warrants against him.

Learned counsel for the petitioner submits that the wrong
date was noted and that is why, the petitioner could not appear before the

lower Appellate Court, but now, the petitioner undertakes to appear before the trial Court with promptive for getting the early disposal of the appeal.

In my opinion, without finding any fault with the impugned order of the lower Appellate Court, the petitioner should be given a chance to appear before the lower Appellate Court and prosecute his appeal since the learned counsel for the petitioner has given an undertaking, on instructions from the petitioner, that the petitioner would not, hereafter, make any default in appearing before the lower Appellate Court for prosecuting the appeal. Statement is accepted.

Hence, the order dated 06.02.2017 is set aside and the bail bonds and surety bonds furnished by the petitioner are restored. The petitioner shall continue to appear before the lower Appellate Court. He need not to furnish fresh bail bonds. The appeal to be heard thereafter. If the petitioner again fails to appear before the lower Appellate Court or makes any default in appearance, the lower Appellate Court would be again at liberty to take such steps as are available in law.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

March 08, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No