

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

CRM-M No. 9248 of 2017

Date of Decision: 17.03.2017

Sanjiv Kumar

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. M.S. Atwal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

Petitioner was on regular bail in FIR No. 3 dated 05.01.2015, under Sections 325, 323, 341 and 506 I.P.C., registered at Police Station Garhshankar, District Hoshiarpur. He absented on 03.12.2016. His bail/surety bonds were cancelled and forfeited to the State. Non-bailable warrants were issued.

Petitioner filed an application under Section 438 of the Code of Criminal Procedure for anticipatory bail and the same has been declined on the ground that anticipatory bail in a bailable offence is not maintainable.

Learned counsel for the petitioner on the strength of

Pawan Moudgil Vs. State of Punjab, 1999 (4) R.C.R.

(Criminal) 829 stated that even though the original offence is bailable, but in the event of issuance of non-bailable warrants, petitioner is entitled to invoke the provisions under Section 438 Cr.P.C.

In view of the aforesaid, let notice of motion be issued to the State of Punjab.

On the asking of the Court, Mr. Shilesh Gupta, Additional A.G., Punjab, accepts notice on behalf of the State.

In view of the controversy involved in the case, I proceeded to hear the stand of the State on the aforesaid broad facts.

After hearing the parties, I deem it appropriate to direct the petitioner to surrender before the trial Court on the date fixed, i.e. 18.03.2017. In the event of his appearance, the trial Court shall admit the petitioner on regular bail.

Disposed of.

March 17, 2017

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No