

Sr. No.217

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

CRM No. M-1670 of 2018 (O&M)

Date of Decision: 16.04.2018

Chander Mohan Bhatia

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Naveen Batra, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in complaint case No.153 dated 01.05.2009 under Section 306 IPC pending in the Court of learned Additional Sessions Judge, Kapurthala.

While issuing notice of motion, the following order was passed by this Court on 17.01.2018:-

“Petitioner seeks concession of anticipatory bail in a complaint case bearing No.153/01.05.2009 titled as Monika Vs. Chander Mohan, under Section 306 IPC pending before learned Additional Sessions Judge, Kapurthala.

Counsel submits that the petitioner had been granted the concession of bail and had been duly

appearing before the trial Court. Further categorical contention is that only on account of non-appearance and absenting on one solitary date i.e. on 05.01.2018, the concession of bail has been cancelled and bail bonds forfeited.

Counsel contends that absence from trial proceedings on 05.01.2018 was bonafide and on account of having noted down a wrong date and the intent was not to evade the trial proceedings. The next date of hearing before the trial Court is stated to be today i.e. 17.01.2018 .

Notice of motion, returnable for 22.02.2018.

In the meanwhile, in case the petitioner puts in appearance before the trial Court today itself i.e. 17.01.2018 in the post lunch session, he would be admitted to interim bail subject to the satisfaction of the trial Court.

A copy of this order be furnished to learned counsel for the petitioner under the signatures of the Bench Secretary.”

Counsel representing the petitioner has furnished for perusal of this Court today a copy of the order dated 17.01.2018 passed by learned Additional Sessions Judge, Kapurthala and which would reveal that petitioner duly appeared before the trial Court in the post lunch session on 17.01.2018 and was admitted to interim bail upon furnishing personal bonds in the sum of Rs.1 lac

and one surety of the like amount.

Petitioner having joined trial proceedings, prayer made in the instant petition is accepted.

Order dated 17.01.2018, passed by this Court is made absolute.

Disposed of.

16.04.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No