

CRM-M-17359-2018 (O&M)

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

101

**CRM-M-17359-2018 (O&M).
Decided on: April 27, 2018.**

State of Punjab

.. Petitioner

VERSUS

Jaswinder Pal Singh Walia

.. Respondent

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

PRESENT Ms.Manjri Nehru Kaul, Addl. A.G. Punjab.

M.M.S. BEDI, J. (ORAL)

This order will dispose of the present application for cancellation of anticipatory bail which has been granted to respondent Jaswinder Pal Singh Walia vide order dated 21.1.2016, inter alia, on the ground that the said accused has been declared a proclaimed offender in another case bearing FIR No.62 dated 20.7.2016, under Sections 363, 366, 354, 376, 419, 420, 465, 467, 468, 471 and 120-B IPC and Section 25 of the Arms Act, registered at Police Station, Sarabha Nagar, Ludhiana. It has been submitted that due to non-availability of the respondent concession of pre-arrest bail granted to him deserves to be withdrawn.

On asking of the Court, State counsel on the instructions of SI Sulakhan Singh has informed this Court that in the present FIR the respondent had been granted concession of regular bail. On further asking,

CRM-M-17359-2018 (O&M)

whether report under Section 173 (2) Cr.P.C. has been presented against respondent Jaswinder Pal Singh and co-accused Davinder Singh, it has been informed that the challan has not yet been presented in this case.

Taking into consideration the nature of allegations against the respondent and the recoveries having already been effected, the respondent having been granted the concession of pre-arrest bail and challan having not been presented against the respondent till date, I of the considered opinion that his bail cannot be cancelled on account of he having been an absconder in another criminal case. In case the prosecution agency opts to present challan against the respondent and he is not available or fails to appear before the Court in accordance with the terms of the bail bonds, it will always be open to the prosecution agency to file a fresh application for seeking cancellation of pre-arrest bail granted to the respondent.

The petition is dismissed, at this stage, being pre-mature.

(M.M.S. BEDI)
JUDGE

April 27, 2018.
raj arora

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No