

In the High Court of Punjab & Haryana at Chandigarh.

CRM-M-2792-2018

Date of decision: 03.04.2018

Mohd. Asfak Alam

..... Petitioner.

VS.

State of Punjab

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sunny Singla, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J.(ORAL)

Prayer in this petition is for setting aside the order dated 21.08.2017 (Annexure P3) vide which the petitioner was declared a proclaimed offender.

Vide order dated 23.01.2018, the petitioner was directed to appear before the trial Court and trial Court was directed to release the petitioner on interim bail subject to his furnishing bail/surety bonds and on payment of costs of ₹10,000/- to be deposited with the District Legal Services Authority, Ludhiana.

Counsel for the petitioner has placed on record certified copy of order dated 07.02.2018 as well as the receipt of deposit of the amount of costs.

Counsel for the petitioner has assailing the impugned order dated 21.08.2017 on the ground that the petitioner was arrested on 19.11.2016 and later on released on regular bail on 10.01.2017, as recovery was of non-commercial quantity. Counsel for the petitioner further submits

CRM-M-2792-2018

-2-

that when the challan was presented in the month of June, 2017, the petitioner could not appear before the trial Court at Ludhiana as he belongs to a distant place in Jharkhand and counsel representing him before the trial Court could not inform him about the next date of hearing and on that account, the trial Court has cancelled the bail and forfeited the bail bonds and, thereafter, vide impugned order dated 21.08.2017, he was declared a proclaimed offender.

Learned State counsel has not disputed the aforesaid submissions made by learned counsel for the petitioner.

Since, the petitioner has already appeared before the trial Court and is facing the trial and has paid the costs of ₹10,000/- for delaying the proceedings in the case, considering the submissions made by learned counsel for the petitioner that on account of *bona fide* ground, he could not appear before the trial Court, therefore, his bail bonds were cancelled, the impugned order dated 21.08.2017 is set aside and the order dated 23.01.2018 is made absolute.

Disposed off.

03.04.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No