

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

**Criminal Misc. No. M-29368-2018
Date of Decision: 17.07.2018**

Subhash

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Munish Puri, Advocate for the petitioner.

...

Inderjit Singh, J.

Petitioner-Subhash has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking one opportunity to appear before Id. Trial Court which had issued non-bailable warrants against him on 24.05.2018 on account of his absence in case FIR No.148 dated 10.12.2016, registered at Police Station Division No.2, Pathankot, under Section 61 of Punjab Excise Act, 1914.

Notice of motion has been issued.

On the asking of Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, has accepted notice on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Perusal of the record shows that the petitioner was on bail and he absented from the court proceedings only on one date i.e. 24.05.2018.

Learned counsel for the petitioner submits that the absence of the petitioner was not intentional.

Keeping in view the facts and circumstances of the present

case that earlier the petitioner was appearing before the trial Court and absented only on one date; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find trial of the case will take a long time and no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed. The petitioner is directed to surrender before the trial Court within 7 days from today and on doing so, he shall be released on bail by the trial Court to its satisfaction. If the petitioner fails to surrender before the trial Court within the stipulated period, instant petition shall be treated as dismissed.

17.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No