IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. No.M-32702 OF 2018
DATE OF DECISION : 3RD AUGUST, 2018

Harpreet Singh

…. Petitioner

Versus

State of Punjab

…. Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Pardeep Bajaj, Advocate for the petitioner.

* * * *

A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present second petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.0059 dated 05.05.2017 registered under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC at Police Station Division No.4, District Jalandhar.

Notice of motion.

Mr. H. S. Grewal, Additional Advocate General, Punjab, accepts notice on behalf of the State of Punjab.

Rule.

Heard forthwith with consent of counsel for the rival parties.

The petitioner was granted anticipatory bail vide order dated 05.07.2017, which was confirmed. There was magisterial trial in this case.

It appears that, the petitioner remained absent before the Magistrate on 01.11.2017 and therefore, the Magistrate issued bailable warrants. There was no report before the Magistrate that the bailable

Raj Kumar
2018.08.06 16:26
I attest to the accuracy and
integrity of this document
Chandigarh

warrant was avoided but the report was that it was not executed. The learned Magistrate, therefore, thought it fit to issue non-bailable warrant.

In my opinion, unless the Magistrate records satisfaction about the petitioner trying to avoid the service of bailable warrant, in ordinary course non-bailable warrant should not have been issued. Nevertheless, at the same time the petitioner cannot be given premium for his fault in not appearing before the Magistrate on the appointed date. Learned Sessions Court also rejected the anticipatory bail for the said reason.

Learned counsel for the petitioner submits that the petitioner would attend Court hereinafter with promptitude and fully cooperate in disposal of the case.

In that view of the matter, I do not find any fault with the order of the trial court. However, I find that the liberty of the petitioner need not be curtailed since he was granted anticipatory bail by this Court.

In that view of the matter, I make the following order:

ORDER

(i) Rule is made absolute.

(ii) CRL. MISC. No.M-32702 OF 2018 is allowed.

(iii) The petitioner is directed to surrender before the trial Court and in the event of arrest in this FIR, the petitioner be released on anticipatory bail to the satisfaction of the trial court on furnishing fresh bail bonds.

(iv) The petitioner to deposit an amount of ₹5000/- as costs with the trial Court, which shall be forfeited to the State.

Raj Kumar
2018.08.06 16:26
I attest to the accuracy and
integrity of this document
Chandigarh

(v) The petitioner shall continue to appear before the trial Court with promptitude till the completion of trial.

(vi) Any further failure on the part of the petitioner shall result into taking him in custody by the trial Court.

3RD AUGUST, 2018 **(A. B. CHAUDHARI)**
'*raj*' **JUDGE**

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*

Raj Kumar
2018.08.06 16:26
I attest to the accuracy and
integrity of this document
Chandigarh