

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

203

CRM-M-37362 of 2017

Date of Decision: 12.02.2018

Harpal Singh

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, 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 FIR No.76 dated 04.05.2010, under Sections 307, 148 & 149 of Indian Penal Code and Sections 25 & 27 of the Arms Act (challan presented under Sections 336, 148 & 149 IPC), registered at Police Station Lopoke, Amritsar Rural, District Amritsar.

On 07.10.2017, while issuing notice of motion, the following order was passed:-

“Through this 2nd petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.76 dated 04.05.2010 under Sections 307, 148

& 149 IPC and Sections 25 & 27 of the Arms Act (challan presented under Sections 336, 148 and 149 IPC), registered at Police Station Lopoke, Amritsar Rural, District Amritsar.

After submission of final report under Section 173(2) Cr.P.C. by the police in the Court, when the petitioner did not appear, he was declared a proclaimed offender vide order dated 17.07.2013 by Judicial Magistrate Ist Class, Ajnala.

Learned counsel for the petitioner inter-alia contends that no notice, whatsoever, was ever given to the petitioner by the police or the Court to appear in the said case and, therefore, absence of the petitioner was not wilful or deliberate.

Notice of motion for 05.12.2017.

Considering over all facts and circumstances, but without commenting on the merits the petitioner is directed to appear before the trial Court and he would be admitted to interim bail during trial, subject to his furnishing personal bail bond and surety bond to the satisfaction of the trial Court. The petitioner shall abide by the conditions as envisaged under Section 438 Cr.P.C. or any other condition that may be imposed by the trial Court.”

Learned counsel representing the petitioner has furnished, during the course of hearing today, certified copy of order dated 20.11.2017 and a perusal of which, would reveal that the petitioner has appeared before the trial Court and has been

admitted to bail on furnishing bail bonds in the sum of ₹50,000/-
with one surety in the like amount.

Copy of the order dated 20.11.2017 is taken on record
as Mark "A".

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

Petition is disposed of by making the order dated
07.10.2017 as absolute.

(TEJINDER SINGH DHINDSA)
JUDGE

12.02.2018
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***Whether speaking/reasoned* : Yes**
***Whether reportable* : No**