

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

**CRM-M-44070-2018
Date of decision: 18.12.2018**

Shani Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 81 dated 01.10.2015, registered under Sections 399 and 402 of the IPC at Police Station Kabirpur (Ahlikalan), District Kapurthala.

On 09.10.2018, the following order was passed:

“Learned counsel for the petitioner submits that the petitioner was facing trial since 2015 and on 10.11.2017, on account of noting a wrong date, he failed to appear before the trial Court and his bail/surety bonds were cancelled and non-bailable warrants have been issued. Learned counsel for the petitioner further submits that even otherwise, nothing was recovered from the petitioner during investigation and the petitioner is ready to surrender before the trial Court and apply for fresh bail. Learned State counsel, on instructions from ASI Makhan Singh, has not disputed the factual position. List again on 30.11.2018. In the meantime, the petitioner is directed to surrender before the trial Court and the trial Court shall release him on interim bail, subject to his furnishing fresh bail/surety bonds.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 09.10.2018, has surrendered before the trial

Court and has been released on interim bail and is now facing trial.

Learned counsel for the State, on instructions from ASI Darshan Singh, could not dispute the factual position.

In view of the above, the petition is allowed and the order dated 09.10.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

December 18, 2018
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No