

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

CRM-M-49307-2018

Date of Decision: 13.11.2018

RACHHPAL SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Prashant Vashisth, Advocate for the petitioner.

...

Inderjit Singh, J. (Oral)

Petitioner-Rachhpal Singh has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.6 dated 07.01.2009, registered at Police Station Jagraon, Ludhiana, under Sections 364-A/382/328/342/149/506 of Indian Penal Code.

Notice of motion has been issued.

On the asking of Court, Ms. Monika Jalota, 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.

From the record, I find that the petitioner was on regular bail and he absented himself from the court proceedings on 17.09.2018. Perusal of the order shows that on that very date, Pritam Kaur appeared on behalf of Rachhpal Singh and she filed an application for his exemption from personal appearance. Since non-bailable warrant had already been issued against him and his bail order had already been cancelled, therefore, that

application for personal exemption was dismissed.

Keeping in view the facts and circumstances of the present case and in view of the fact that the petitioner absented himself from the Court proceedings only on one date i.e. 17.09.2018 and the application was also filed in the Court on that very date for personal exemption; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that 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 10 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.

13.11.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No