

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102

CRM-M-32759-2019 (O & M)
Date of Decision:28.08.2019

LAKHWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. C.S. Rana, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has prayed for grant of anticipatory bail in case FIR No.260 dated 20.11.2017, under Sections 307, 34, 120-B IPC (Act No.45 of 1860) and under Sections 25 and 27 of Arms Act (Act No.54 of 1959) registered at Police Station Division No.4, District Police Commissionerate Ludhiana, as he apprehends arrest pursuant to order dated 04.06.2019 passed by the trial Court, whereby non-bailable warrants of arrest were issued.

When confronted with the issue of maintainability of the petition under Section 438 Cr.P.C., learned counsel for the petitioner prays for treating the petition under Section 482 Cr.P.C. The prayer is accepted and the petition is treated under Section 482 Cr.P.C.

Learned counsel for the petitioner contends that the petitioner was appearing regularly and it was only on one date when he was absent, the Court below had issued the non-bailable warrants at the first instance. He further contends that the petitioner had noted the wrong date of hearing

which resulted into his non-appearance. He also contends that it was not intentional and the petitioner had not gained any undue advantage by non-appearance.

Notice of motion.

At the asking of the Court, Mr. Hittan Nehra, Addl.A.G., Punjab accepts notice on behalf of the respondent-State in this petition. A copy of the paper book has been handed over to the learned State counsel, in the Court.

Learned counsel for the petitioner contends that the petitioner will put in appearance on the date fixed and will appear regularly.

This Court finds that the explanation offered for the absence of petitioner on 04.06.2019 is reasonable and it is to be borne in mind that many a times the accused or his counsel can be prevented by sufficient reasons on a given date from putting in appearance before the Court and every such absence cannot necessarily be construed deliberate or wilful. The explanation offered in this case appears to be believable and the same is accepted.

Considering the above, the order dated 04.06.2019 is set aside and it is ordered that petitioner shall remain on the same bail bonds and the surety bonds.

Disposed off.

28.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No