

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM No. M-21853 of 2015 (O&M)
Date of Decision: 09.07.2015.

Vijay Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Avtar Singh Bhatti, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA.J.

In terms of filing the instant petition under Section 438 Cr.P.C., petitioner seeks the concession of pre-arrest bail in case FIR No.89 dated 13.04.2013, under Sections 22/61/85 of the NDPS Act, registered at Police Station Tanda, District Hoshiarpur.

It is not in dispute that the petitioner had been granted the concession of bail but had absented himself during the trial proceedings and without any intimation and without even an application having been filed seeking personal exemption. Accordingly, on 027.04.2015, the following order was passed by the learned Additional Sessions Judge, Hoshiarpur:

“FIR No.89 dated 13.04.13, U/s 22-61-85 of the NDPS Act, PS Tanda, Hoshiarpur

State Vs. Vijay Kumar

Present: Sh. T.S. Grewal, Addl. PP for State.

Accused absent.

Accused Vijay Kumar is absent today without any intimation. As such his bail orders, bail bonds and surety bonds are cancelled and forfeited to the State. Non bailable warrants of arrest issued against the accused Vijay Kumar for 26.05.2015. Notice to surety under Section 446 Cr.P.C. is also issued for the date fixed.

Sd/- K.K. Kareer
JSC/27.04.2015.”

Counsel appearing for the petitioner being confronted with the factual position as regards accused, Vijay Kumar having remain absented without any intimation as also as regards application seeking personal exemption having not been filed, would concede to the same.

At this stage, counsel prays for withdrawal of the present petition and raises an alternate prayer that the petitioner would duly surrender before the trial Court and if thereafter files an application seeking bail, directions be issued for such application to be decided within a stipulated time frame.

As per prayer made by the counsel, the present petition is dismissed as withdrawn.

It is, however, observed that in case the petitioner duly surrenders before the trial Court within a period of one week from today and thereafter prefers an application seeking concession of bail, the trial Court would consider the same strictly on merits and would make every endeavor to expedite the hearing of the same.

Disposed of.

09.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**