

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

(1) CRM-M-24512 of 2016.
Decided on:-29.08.2016.

Kishan Dass.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

(2) CRM-M-27018 of 2016.

Gulshan Kumar alias Lucky.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner (in CRM-M-24512 of 2016).

Mr. P.S. Brar, Advocate
for the petitioner (in CRM-M-27018 of 2016).

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

This order shall dispose of the aforementioned two petitions filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners as the same have arisen from a common case bearing FIR No.130 dated 19.10.2013 under Sections 22 and 25 of the Narcotic Drugs and

Psychotropic Substances Act, 1985 registered at Police Station Sangat, District Bathinda.

However, for convenience and clarity, the petition bearing No.CRM-M No.24512 of 2016 is being discussed.

On July 23, 2016, this Court has passed the following order:

*“Learned counsel for the petitioner contends that the petitioner failed to appear on 9.2.2016 as the petitioner and his counsel had noted a wrong date. In fact, the case was fixed for 9.2.2016, but they noted 23.3.2016 as the next date of hearing. In support of his contention, he relies upon order dated 6.5.2016 of this Court passed in **CRM-M-13193 of 2016** titled as **Gulshan Kumar @ Lucky Versus State of Punjab**.*

The allegation against the petitioner is that a recovery of 270 Gms of intoxicating powder and 125 Fortwin injections was effected from three accused including the present petitioner while they were sitting in a car. Before 9.2.2016, the petitioner was admitted on regular bail by the trial Court. It is on account of non-appearance of the petitioner before the trial Court on 9.2.2016, his bail has been cancelled leading to forfeiting of the bail bonds.

Notice of motion for 29.8.2016.

In the meantime, arrest of the petitioner shall remain stayed.”

Learned counsel for the petitioner states that though before passing of the impugned order dated 9.2.2016, the petitioner was already admitted on regular bail by the trial Court, but it is on account of noting

down a wrong date, the petitioner was absent in the Court leading to forfeiture of his bail bonds. He further states that the petitioner undertakes to appear before the trial Court within a week from today.

Learned State counsel does not dispute the fact that before passing of impugned order dated 9.2.2016, the petitioner was on regular bail. However, he states that let the petitioner surrender before the trial Court and the trial Court to pass an appropriate order.

Heard.

In view of the above, the present petitions are disposed of with a direction that in case the petitioners surrender before the trial Court within a week from today, the trial Court shall admit them on bail subject to their furnishing fresh bail bonds and surety bonds to its satisfaction. The trial Court may also impose any other condition as may deem fit in the facts and circumstances of the case.

August 29, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No