

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

Sr. No.106

**CRM NO. M-28599 OF 2016
DECIDED ON: August 19, 2016**

RESHAM SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Brijeshwar Singh Bhalla,
for the petitioner.

JASPAL SINGH, J. (ORAL)

This is a petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case FIR No. 72, dated July 29, 2015, under Section 21/22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kathunangal, District Amritsar.

Notice of motion.

On the asking of Court, Mr. P.S. Paul, DAG, Punjab, has accepted notice on behalf of respondents-State. Copy of the petition be supplied to learned State counsel during the course of the day.

Undisputably, petitioner has been facing trial in the above said case in the Court of Judge Special Court, Amritsar and when the trial was listed for March 02, 2016, he could not appear. On account of his absence without any intimation, his bail order was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through

CRM NO. M-28599 OF 2016

non-bailable warrants. However, on coming to know the issuance of non-bailable warrants against him, he applied for pre-arrest bail before the Sessions Court but was declined vide order dated July 28, 2016 simply on the ground that his detention behind the bars is necessary to teach him a lesson for remaining absent from the Court and fleeing away from the proceedings for a long period. There is nothing on record to suggest that the absence of the petitioner was intentional or wilful on March 02, 2016. The petitioner undertakes to join the proceedings and to abide by all the terms and conditions imposed by the Court, in case, he is granted the concession of pre-arrest bail.

Taking into consideration the aforesaid aspects of the case and the fact that petitioner undertakes to appear and cooperate with trial as well as to abide by all the terms and conditions imposed by the Court in case he is granted the concession of pre-arrest bail and further, his absence from the Court on March 02, 2016 does not appear to be either intentional or wilful, this Court is of the considered view that petitioner deserves the concession of bail.

Accordingly, instant petition is allowed.

Petitioner is directed to appear and surrender before the trial Court within ten days from the date of receipt of certified copy of this order, whereafter, he shall be released on bail by the trial Court on its satisfaction.

August 19, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No