

106 CRM No.M-29257 of 2016

**BALWINDER SINGH
VS
UT OF CHANDIGARH**

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

This is a petition preferred under Section 438 Cr.P.C. by Balwinder Singh seeking pre-arrest bail in the event of his arrest in case FIR No. 273, dated July 08, 2015, under Section 21 of NDPS, 1985, registered at Police Station Sector 39, Chandigarh, during the pendency of trial.

Notice of motion.

At the asking of Court, Mr. J.S. Toor, APP, U.T. Chandigarh accepts notice on behalf of respondent-U.T. Chandigarh. Copy of the petition has been supplied to learned State counsel during the course of day.

Undisputably, the petitioner was granted concession of regular bail by the Judge, Special Court, Chandigarh vide order dated July 30, 2015. But subsequently when the trial was fixed for evidence of the prosecution, he could not appear on July 15, 2016. He moved an application seeking exemption for personal appearance on July 15, 2016 on the ground that he being a driver by profession had gone to Jammu & Kashmir but could not return due to disturbance there. But that application was declined and his bail order was cancelled; his bail bonds were forfeited to the State and he has been summoned through Non-bailable warrants. The absence of the petitioner on July 15, 2016 cannot be said to be intentional or wilful but due to the reason that he was away Jammu & Kashmir, he could not return in time.

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Instant petition is disposed of with the direction to the petitioner that he shall appear/surrender before the trial Court within 10 days from the date of receipt of certified copy of this order and on his appearance/surrender, the trial Court/Duty Magistrate shall release on bail at its satisfaction. This order shall enure during the pendency of the trial.

August 23, 2016

Ankur

**(JASPAL SINGH)
JUDGE**