

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

Sr. No.103

CRM NO. M-32395 of 2016

DECIDED ON: September 15, 2016

BALBIR SINGH @ SONI

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. A.S. Barnala, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case FIR No.176, dated 28.10.2014 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Nihal Singh Wala, District Moga.

Notice of motion.

At the asking of Court, Mr. RPS Sidhu, AAG, Punjab accepts notice on behalf of respondent-Punjab. Copy of the petition be supplied to learned State counsel during the course of day.

Undeniably, the petitioner absented from the proceedings on March 05, 2016 as a result of which his bail order was cancelled and bail bonds were forfeited to the State. He was summoned through non-bailable warrants. Thereafter, petitioner has approached this Court by way of instant petition.

The contention of the learned counsel for the petitioner is that the petitioner had earlier been released on bail by the trial Court as the recovery of alleged Heroin from the possession of the accused falls under the definition of small quantity and he had been appearing before the trial court regularly. On March 05, 2016 his bail order was cancelled and bail bonds were forfeited to the State because he could not appear due to unavoidable circumstances before the trial court. Now, he undertakes to appear and cooperate with the trial as well as to comply with the terms and conditions imposed by this Court in case he is granted the concession of pre-arrest bail.

In the light of what has been discussed above but without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to petitioner to appear/surrender before the trial court within a period of 10 days from the date of receipt of certified copy of this order, who shall release the petitioner on bail at the satisfaction of the trial Court/Duty Magistrate.

September 15, 2016
Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No