

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

Sr. No.104

CRM NO. M-32416 of 2016

DECIDED ON: September 15, 2016

KULWINDER KUMAR

..PETITIONER

VERSUS

STATE OF U.T. CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Vishali, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Instant petition has been preferred under Section 438 Cr.P.C. seeking grant of pre-arrest bail by the petitioner-Kulwinder Kumar in case FIR No.273, dated July 08, 2015, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Sector 39, U.T. Chandigarh.

Notice of motion.

At the asking of the Court, Mr. Sukant Gupta, AAP, U.T. Chandigarh accepts the notice on behalf of the respondent-State. Copy of the petition be supplied to learned State counsel during the course of day.

Undeniably, after the registration of the instant case, petitioner was granted the concession of regular bail by the lower Court. But subsequently during trial, petitioner could not appear on March 22, 2016, as a result whereof his bail order was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants.

The contention of the learned counsel for the petitioner is that the absence of the petitioner before the trial Court on March 22, 2016, was neither intentional nor willful but it was due to the reason that petitioner noted the date as August 22, 2016 on a piece of paper which was subsequently misplaced by him. He visited the Court on August 22, 2016 and he came to know that he has been ordered to be summoned through non-bailable warrants after the cancellation of his bail order as well as bail bonds. The absence of the petitioner on March 22, 2016 does not appear to be intentional or willful but on account of the aforesaid reason.

Accordingly, instant petition is disposed of with a direction to petitioner to surrender/appear before the trial court within a period of seven days from the date of receipt of a certified copy of this order, on his appearance, petitioner shall be bailed out at the satisfaction of the CJM/Duty Magistrate.

September 15, 2016
Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No