

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

CRM-M-32999-2016

Date of decision: September 16, 2016

Rajesh Chawla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Surinder M. Sharma, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 438 of Code of Criminal Procedure, petitioner, namely, Rajesh Chawla has sought pre-arrest bail in case bearing FIR No.14 dated 23.02.2013, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Garhshankar (Distt. Hoshiarpur).

Notice of motion.

On asking of the Court, Mr. R.P.S. Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the petition be supplied to him by learned counsel for the petitioner.

Heard.

The undisputed facts are that petitioner was granted the concession of regular bail and has been appearing regularly before the trial Court but on 6th September, 2016, he could not appear before the trial Court as a result whereof, his bail bonds/surety bonds were cancelled and forfeited to the State. He was ordered to be summoned through non-bailable warrants which has necessitated the filing of the instant petition.

From the perusal of the file, it appears that on the day his bail bonds/surety bonds were cancelled and forfeited to the State, he could not appear before the trial Court as he was ill and under treatment at Civil Hospital, Garhshankar, District Hoshiarpur, Punjab. Prior to that, he also remain admitted with the history of Jaundice for the last 12 to 20 days. It is also a case of HIV+ and other co-related diseases.

In view of the aforesaid circumstance, it appears that his absence on 6th September, 2016 before the trial Court was not intentional but due to the reason that he was unable to appear in the Court due to his illness and being under treatment.

Accordingly, the instant petition is disposed of with direction to the petitioner to appear/surrender before the trial Court within a period of 07 days and on his appearance/surrender, shall be released on bail by the concerned trial Court/Duty Magistrate at its satisfaction.

A copy of this order be given under the signatures of Court Secretary to learned counsel for the petitioner as well as to learned State counsel.

September 16, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No