

CRM No. M-34446 of 2016

DECIDED ON: SEPTEMBER 27, 2016

SURJIT SINGH @ SITTU AND ANR

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLR MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioners have sought pre-arrest bail in case FIR No. 280 dated 27.11.2014 under Section 18 of NDPS Act, registered at Police Station Ding, District Sirsa.

Notice of motion.

At the asking of Court, Ms. Harpreet Kaur, AAG, Haryana accepts notice on behalf of respondent-State of Haryana. Copy of the petition be supplied to him during the course of day.

Undisputably, petitioners were granted the concession of bail in the above-referred case and have been regularly appearing in Sessions Case No. 134-NDPS/2015. However, when the matter was listed before trial Court on August 03, 2016, petitioners could not appear. As a result thereof, their bail bonds were cancelled and forfeited to the State and they were ordered to be summoned through non bailable warrants of arrest for 22.09.2016. As pointed

out by learned counsel for the petitioners, petitioners mistook the date as September 03, 2016 instead of August 03, 2016, on account of which they could not appear before trial Court. However, petitioners undertake to join the proceedings and co-operate with the trial.

In view of the above-stated facts and circumstance, it appears that absence of the petitioners from court was neither intentional nor willful. Even otherwise, immediately after their bail bonds were cancelled and forfeited to the State, they approached the Sessions Court seeking pre-arrest bail. However, after the dismissal thereof, they have approached this Court.

Instant petition is disposed of with a direction to the petitioners to appear/surrender before learned trial Court within a period of 7 days from the date of certified copy of this order and trial Court is directed to release the petitioners on bail at its satisfaction.

SEPTEMBER 27, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*