

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

CRM No. M-36418 of 2016

Date of decision:- October 07, 2016

SAGAL PARTAP SINGH

.....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Ms. G.K. Mann, Advocate,
for the petitioner.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Section 438 of the Code of Criminal Procedure (for short, "Code"), petitioner-Sagal Partap Singh has sought pre-arrest bail, feeling apprehension of his arrest, in case FIR No.8, dated 09.01.2015, under Section 307 IPC, Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, Police Station Cantonment, District Amritsar.

2. Notice of motion to the respondent.
3. At the asking of the Court, Mr. RPS Sidhu, AAG, Punjab has accepted notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel during the course of the day.
4. It is an undisputed fact that the petitioner was granted the concession of bail under Section 167(2) of the Code by the trial court vide

order dated 24.07.2015. Thereafter, he has been regularly appearing before the ld. trial court but he absented from the Court on 25.07.2016 without intimation. On account of his absence, his bail order as well as bail bonds were cancelled and forfeited to the State. Subsequent thereto, he was summoned through non-bailable warrants of arrest. Immediately thereafter, the petitioner moved an application under Section 438 of the Code before the Sessions Court on 12.09.2016. However, that application was dismissed on 19.09.2016.

5. As per the submission made by learned counsel for the petitioner, the petitioner could not appear on 22.07.2016 before the trial court as he was suffering from viral fever. Moreover, filing of application under Section 438 of the Code, immediately after the issuance of non-bailable warrants is suggestive of the fact that he is not evading his arrest or fleeing away from justice. He also undertakes to cooperate with the trial.

6. Instant petition is disposed of with the direction to the petitioner to surrender before the trial court within a period of 10 days from the date of receipt of certified copy of this order and on his appearance/surrender, he shall be released on bail at the satisfaction of trial court/Duty Magistrate.

October 07, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reasonable: No