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

CRM-M-37390 of 2016

Date of decision: October 26, 2016

Harpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Amit Arora, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of this Court, Mr. Shilesh Gupta, Addl. AG
Punjab accepts notice on behalf of the State.

Rule. Heard forthwith learned counsel for the rival parties.
With the consent of the rival parties, leave to amend the prayer clause
in order to put a challenge to the order dated 22.04.2016 (P-2). Office
to carry out amendment within one week.

In FIR No.78 dated 24.11.2014, under Section 22 of the
Narcotic Drugs and Psychotropic Substance Act, 1985, registered at
Police Station khalra, District Tarn Taran, petitioner was on bail.
After filing of charge-sheet in the Court, learned counsel for the
petitioner states that the petitioner used to appear before the trial Court
on regular basis. However, on 22.04.2016, petitioner failed to appear
before the trial Court and on that date, the prosecution witness S.H.O.

Harsandeep Singh was present but could not be examined as the

petitioner was absent. Consequently, learned trial Judge cancelled the bail bonds and forfeited the surety to the State and issued non-bailable warrants for the arrest of the petitioner. It is this order which is under challenge.

Learned counsel for the petitioner submits that it is for the first occasion when the petitioner remained absent and therefore, he should be given a chance to be at liberty and would not hereinafter, commit any default in appearance and conduct the trial.

In my opinion, without finding any fault with the prosecution order, the petitioner should be allowed to be at liberty rather than pushing him in Jail particularly when he was on bail and had not committed default in the past in appearance.

In that view of the matter, the impugned order dated 22.04.2016 (P-2) is quashed and set aside. Petitioner to appear before the trial Court on the next date of hearing and furnish fresh bail bonds before the trial Court. Petitioner to cooperate with the trial Court for disposal of the trial and shall also deposit costs in the sum of ₹5,000/- with the trial Court as a pre-condition for bail.

(A.B. CHAUDHARI)
JUDGE

October 26, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No