

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

CRM No. M-37646 of 2016

Date of decision:- October 21, 2016

PALWINDER SINGH @ PINDA

.....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Gursimran Singh Bawa, Advocate,
for the petitioner.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure (for brevity, "Code" only), petitioner-Palwinder Singh @ Pinda has sought pre-arrest bail, feeling apprehension of his arrest, in case FIR No.292, dated 01.09.2014, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Chherretta, District Amritsar.

2. Notice of motion to the respondent.
3. At the asking of the Court, Mr. J.S. Sekhon, AAG, Punjab has accepted notice on behalf of the respondent-State. Copy of the paper be supplied to him during the course of the day.
4. Undoubtedly, the petitioner was earlier granted the concession of pre-arrest bail by ld. Additional Sessions Judge, Amritsar vide order

dated 19.11.2014, thereafter, he has been regularly appearing before the trial court. It appears that due to the reason that he mistook the date, he could not appear before the trial court on 28.09.2016. As a result of his absence, his bail order as well as bail bonds were cancelled and forfeited to the State. He was ordered to be summoned through non-bailable warrants of arrest. Immediately, on coming to know about the issuance of non-bailable warrants and cancellation of bail order as well as bail bonds, he approached this Court by way of filing of instant petition.

Since, the absence of the petitioner does not appear to be intentional or wilful, this Court is of the considered view that it would be apt, proper and justifiable that he should be granted the concession of pre-arrest bail.

Accordingly, instant petition is disposed of with the direction to the petitioner to appear/surrender before the trial court within a period of 7 days from the date of receipt of certified copy of this order and on his appears/surrender, he shall be released on bail by the Id. trial court/Duty Magistrate at its satisfaction.

October 21, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No