

Sr. No. 106

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

**CRM No. M- 4206 of 2016
Date of Decision: 08.02.2016**

Sunny Sharma

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

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

TEJINDER SINGH DHINDSA. J (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case No.267/14 titled as "State Vs. Sunny Sharma" pending in the Court of Sh. Harjinderpal Singh, Additional Sessions Judge-cum Judge Special Court, Tarn Taran, arising out of FIR No.79, dated 13.09.2013 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act at Police Station Verowal, District Tarn Taran.

Counsel for the petitioner has been heard.

Apparently, the petitioner had absented from the trial proceedings and, accordingly, vide order dated 24.08.2015, passed by the learned Additional Sessions Judge, Tarn Taran, the benefit of bail was cancelled and his bail bonds and surety bonds were forfeited.

Counsel would attempt to gain mileage from a certificate dated 04.09.2015 placed on record at Annexure P-3 and would submit that petitioner is a drug addict and had been admitted to Drug De-addiction Centre.

Even if the contents of such certificate are to be taken as correct, the petitioner was admitted to such Centre on 28.07.2015 and was discharged on 03.09.2015.

Non-appearance of the petitioner on 24.08.2015 before the trial Court may be explained and justified in the light of certificate Annexure P-3. However, his conduct thereafter disentitles him from any indulgence. On 24.08.2015, non-bailable warrants were issued for 01.10.2015. Counsel for the petitioner would concede that thereafter 03 dates have gone by on which the petitioner has absented himself and has not associated with the trial proceedings.

Under such circumstances, prayer of the petitioner seeking concession of pre-arrest bail is declined.

At this stage, counsel furnishes an undertaking that the petitioner would duly surrender before the trial Court on the date already fixed i.e. 22.02.2016 and makes a submission that if thereafter an application is filed seeking regular bail, direction be issued for disposal of such application forthwith.

Keeping in view the submission made by counsel, present petition is dismissed as withdrawn.

It is however, observed that in case the petitioner duly surrenders before the trial Court on or before the date already fixed i.e. 22.02.2016 and if thereafter files an application seeking regular

bail, such application would be dealt with strictly on merits and Court would make an endeavour to expedite disposal of the same.

08.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**