

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-46493 of 2016  
DECIDED ON: December 23, 2016

MANOJ KUMAR @ MONU

.....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sarven Kumar Gupta, Advocate,  
for the petitioner.

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JASPAL SINGH, J.(Oral)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, the petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case FIR No.78, dated 19.04.2016, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Shimlapuri, District Ludhiana.

2. Notice of motion.

3. At the instance of this Court, Mr. B.S. Cheema, DAG, Punjab has accepted notice on behalf of respondent-State. Copy of the paper book be supplied to learned State counsel during the course of the day.

4. Undoubtedly, the petitioner was granted the concession of bail by 1d. trial court on 23.05.2016 and subsequent thereto, he was regularly appearing before the trial court. However, he fails to appear before the trial court on 09.12.2016. As a result whereof, he was ordered to be summoned through non-

bailable warrants of arrest after cancellation of his bail orders as well as bail bonds. The report under Section 173(2) Cr.P.C. has not so far been presented. Meaning thereby, the presence of the petitioner was not required for taking any effective steps or proceedings by the trial court.

5. In the facts and circumstances referred to above, the absence of the petitioner can not be termed to be either willful or intentional but due to some unavoidable circumstances. Otherwise also, immediately on coming to know about the cancellation of bail bonds and bail orders as well as issuance of non-bailable warrants of arrest, he approached this Court by way of instant petition, which also fortifies that his absence was not intentional or wilful one.

6. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the instant petition is disposed of with the direction to the petitioner to appear/surrender before the Chief Judicial Magistrate/Duty Magistrate within a period of 10 days from the date of receipt of certified copy of this order and on his appearance/surrender before the CJM/Duty Magistrate, Ludhiana, he shall be released on bail at its satisfaction.

**December 23, 2016**  
**sonika**

**(JASPAL SINGH)**  
**JUDGE**

*Whether speaking/reasoned:* *Yes/No*

*Whether reportable:* *Yes/No*