

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

CRM-M-10184 of 2017

Date of Decision: 05 December, 2017

Aman Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Karan Choudhary, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

FATEH DEEP SINGH, J.

The precise averments against the petitioner as spelled out in this anticipatory bail application under Section 438 Cr.P.C are that in the present case got registered by way of FIR No.158 dated 22.10.2015 under Sections 22,61,85 of NDPS Act registered at Police Station, Civil Line Batala the petitioner during the course of remand proceedings as challan has not been presented till date absented firstly on 7.12.2016 and as a consequence of which, non-bailable warrants of petitioner/accused as well as notice under Section 446 Cr.P.C to the surety have been issued.

The contentions of the learned counsel for the petitioner that it was a bonafide mistake on the part of the Clerk of the counsel as well as petitioner for having mistaken the date and that such a absence could not come in the way of proceedings in the trial as challan is yet to be presented and that the petitioner is willing to surrender before the trial Court to face the trial.

Though, learned State counsel has sought to oppose the relief being prayed for but readily conceded the fact that challan is yet to be

presented and there is nothing of irritant in the fair progress of the trial by this conduct of the petitioner.

Keeping in view that the challan is yet to be presented and it was only for the appearance of the accused and for awaiting the challan, therefore, cannot be construed that the petitioner had any motive to remain away from the Court. Thus, taking a holistic view and in the interest of justice, the present petition stands allowed.

Petitioner is directed to appear before the trial Court within a period of fifteen days from this order and shall be released on bail to the satisfaction of the trial Court.

Petition stands disposed off.

December 05, 2017
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(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No