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

**CRM-M-31665-2017
Date of Decision: 07.11.2017**

Thomas Masih @ Gupta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ritesh Pandey, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

SUDIP AHLUWALIA J. (ORAL)

On hearing both sides, it transpires that the petitioner was originally on regular bail in the case arising out of FIR No.68, dated 31.05.2015, under Sections 21/22 of NDPS Act registered at Police Station Civil Line Batala, Police District Batala, District Gurdaspur. After completion of investigation, the challan was submitted. But the petitioner did not appear before the Trial Court on 05.12.2016. Thereafter, it is seen from the order dated 10.05.2017 that the notice was issued upon him, but he failed to appear on account of which his earlier bail bonds were cancelled and a non-bailable warrant of arrest was ordered to be issued against him.

[2]. Submission of Ld. counsel for the petitioner in this regard is that he was never aware about the completion of the investigation nor any notice or summons were served upon him after filing of the challan and even during proceedings pending before the Trial Court. It is further submitted that in any event, the petitioner wants to appear before the Trial

Court after he has acquired knowledge of the pending proceedings, and therefore, seeks for his release on bail at this stage.

[3]. In view of the aforesaid submission and considering the fact that it is specifically noted in the order dated 10.05.2017 that no service report of the notice issued to the petitioner, was “received back either served or unserved”, the present petition is allowed.

[4]. The petitioner is now directed to surrender before the Ld. Trial Court within a week from date, after which he may be released on fresh bail to the satisfaction of the Ld. Trial Court.

07.11.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No