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

**CRM No.28825 of 2017 in/and
CRM-M No.32327 of 2017
Date of Decision : 12.09.2017**

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Himanshu Puri, Advocate
for the applicant/petitioner.

Mr. V.G. Jauhar, Sr. Deputy Advocate General, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.28825 of 2017

Applicant/petitioner is permitted to place a copy of order
dated 23rd April, 2014 on record as Annexure P-4.

Application is accordingly disposed off.

CRM-M No.32327 of 2017

In the instant petition filed under Section 438 of the Code
of Criminal Procedure (for short, 'the Cr.P.C.'), the petitioner prays for
grant of anticipatory bail in case FIR No.88 dated 22nd March, 2014,
registered under Sections 15/61/85 of the NDPS Act at Police Station
Kapurthala City, District Kapurthala, after a non-bailable warrant of

arrest was ordered to be issued against him by the Ld. Trial Court on 17th of August, 2017.

Petitioner's case is that he was already on bail in the said case, which is verified from the original bail order (Annexure P-4). He however could not appear in the Ld. Trial Court on the relevant date as he had suffered fractures in his waist following an accident, which kept him totally bed-ridden and unable to move for a long time. A copy of the relevant Medical Certificate in support of this contention has been filed in the form of Annexure P-2.

Admittedly, this is the only solitary instance of the petitioner absenting from the trial proceedings.

In the given circumstances, the instant petition is allowed to the extent that the execution of the arrest warrant issued against the petitioner shall remain stayed, subject to his surrendering before the Ld. Trial Court within a week from today, after which he may be released on bail on appropriate terms and conditions under Section 438(2) Cr.P.C.

September 12, 2017
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No