

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

**CRM No.M-3284 of 2017 (O&M)
Date of Decision: 12.05.2017**

Naresh Kumar @ Babbu & another ... Petitioners

Versus

State of Punjab ... Respondent

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

Present:- Mr. S.S. Brar, Advocate for the petitioners.

Ms. Harpreet K. Athwal, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.66, dated 30.07.2016, under Sections 22/61/85 of the NDPS Act And Sections 61/1/14 of the Punjab Excise Act, registered at Police Station Kotfatta, District Bathinda.

While issuing notice of motion on 02.02.2017, the following order was passed by this Court.

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.66, dated 30.07.2016, under Sections 22/61/85 of the NDPS Act and Sections 61/1/14 of the Punjab Excise Act, registered at Police Station Kotfatta, District Bathinda.

Counsel would submit that after registration of the FIR, petitioners were arrested and thereafter were granted benefit of regular bail.

It is further submitted that the petitioners thereafter had been appearing before the trial Court on each and every date and on account of bonafide mistake of having noted down the

wrong date, they could not appear before the trial Court on 09.12.2016 and consequently, the bail has been cancelled and the bail bonds and surety bonds stand forfeited.

It is argued that the intent of the petitioners was not to evade the trial proceedings and the absence on one solitary date has been on account of bonafide reasons.

Notice of motion, returnable for 02.05.2017.

In the meanwhile, it is directed that in case the petitioners put in appearance before the trial Court within a period of one week from today, they would be released on ad interim bail subject to satisfaction of the trial Court.”

Learned counsel appearing for the petitioners during the course of hearing today has furnished a copy of order dated 06.02.2017 passed by learned Additional Sessions Judge, Bathinda and a perusal of the same would reveal that the petitioners have duly put in appearance before the trial Court and have been admitted to bail upon furnishing requisite bail bonds/surety bonds.

In the light of such circumstances, where the petitioners have already joined trial proceedings, prayer made in the instant petition is accepted. Order dated 02.02.2017 passed by this Court is made absolute.

Disposed of.

12.05.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |