

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

CRM-M No.33476 of 2017

Date of Decision : 14.09.2017

Hira Singh @ Hira

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

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

SUDIP AHLUWALIA, J. (ORAL)

In the instant petition filed under Section 438 of the Code of Criminal Procedure, the petitioner seeks his release on anticipatory bail in case FIR No.59 dated 13th April, 2016, registered under Sections 21/22/61/85 of the NDPS Act at Police Station 'C' Division, District Amritsar, after the impugned order dated 28th August, 2017 was passed against him rejecting a similar prayer.

Background of the matter is that the petitioner was initially granted interim bail in FIR No.59, dated 13th April, 2016. He however absented himself from the proceedings in the Ld. Trial Court on a particular date, on account of which the interim bail granted to him was cancelled. His contention before this Court is that his absence was

purely on account of a *bona fide* mistake regarding the date fixed in the Court, and not intentional.

In this view of the matter, the impugned order passed against the petitioner is set aside, and he is ordered to be restored to his earlier interim bail, which shall however be finally decided by the Ld. Trial Court independently on merits after he surrenders before the said Court within one week from today.

Disposed off.

September 14, 2017

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No