

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-46480-2017

Date of decision: 06.12.2017

Gurmail Singh @ Goli

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

1. Through this second petition under Section 438 Cr.P.C., prayer has been made for grant of pre-arrest bail to the petitioner in case FIR No. 170 dated 28.05.2016 registered under Sections 21 and 61 of the NDPS Act at Police Station Rania, District Sirsa.

2. Learned counsel *inter alia* contends that the petitioner was facing trial, after grant of regular bail, but on 02.06.2017, he could not appear before the trial Court on account of his severe illness, therefore, his bail bonds and surety bonds were cancelled and forfeited to the State and warrants of arrest were issued against him. The petitioner, therefore, filed similar petition under Section 438 Cr.P.C. bearing CRM-M-27524-2017 for grant of pre-arrest bail to him in which interim protection was granted vide order dated 31.07.2017 (Annexure P-4). Inadvertently, at that time, learned counsel has not brought this fact to the notice of this Court that the petitioner was not granted interim bail by the trial Court, till the receipt of FSL report, rather was on regular bail. Therefore, on receipt of FSL report,

the aforesaid petition was wrongly dismissed by this Court, vide order dated

08.11.2017 (Annexure P-6), on account of mis-conception that the petitioner was on interim bail, till the receipt of FSL report. The petitioner has already appeared before the trial Court pursuant to the order dated 31.07.2017, passed in the aforesaid petition and has been admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court vide order dated 21.08.2017, placed on record by learned counsel for the petitioner in Court today.

3. In view of the above, the order dated 21.08.2017, passed by the trial Court is made absolute, with a warning to the petitioner that in future he would not misuse the concession of bail.

4. The instant petition stands disposed of, accordingly.

December 06, 2017

rishu

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No