

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-31937 of 2018

Date of Decision: July 30, 2018

Tarsem Singh Rana

.....Petitioner

versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Bains, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner is an accused in FIR No. 83 dated 16.06.2016 registered at Police Station Maloya under Section 18/19 of the NDPS Act, 1985.

The petitioner was granted regular bail but could not attend the hearing on 23.07.2018 as his counsel did not inform him of the said date of hearing. Infact, the counsel himself was mistaken and had noted 26.07.2018 as the date of hearing. However, on 23.07.2018 it came to light that the hearing was fixed on that date and thereafter the counsel informed the petitioner. The petitioner presented himself before the trial Court post lunch but by then the case had already been adjourned and an order had been passed for cancellation of his bail. An application was moved immediately for permission to surrender and seek regular bail but the same was allegedly not entertained on the ground that the trial Court had no jurisdiction to recall its order.

Considering the nature of the order being passed, there is no necessity to issue notice of motion.

The petition is disposed of with a direction to the petitioner to surrender before the trial Court on or before 04.08.2018 and move an application for grant of

regular bail. In case such an application is filed, the same shall be allowed by the trial Court subject to its satisfaction.

July 30, 2018
reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No