

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

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CRM-M NO.4139 OF 2018

DATE OF DECISION: FEBRUARY 01, 2018

Amrik Singh @ Billa

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of learned counsel for the petitioner that on 18.11.2017, when the application for bail of the petitioner was taken up, the same was adjourned to 03.02.2018 by the Judge, Special Court I, Kapurthala. He, under the bonafide impression that his bail application would be taken up on 03.02.2018 as per the date given, failed to appear before the trial Court in the main case, which was listed for hearing on 28.11.2017. On the said date, because of non-appearance of the petitioner as also his counsel, the interim bail order issued in his favour stands cancelled and non-bailable warrants have been issued. Counsel contends that the petitioner, under the bonafide belief that the date fixed before the trial Court is 03.02.2018 in the main case as also in the bail application, did not appear before the trial Court nor did his counsel, which fact fortifies his contention that he was willing and ready to appear before the Court.

However, due to non-appearance of the petitioner, which was not intentional as is apparent from the abovesaid fact, such an order has been passed by the trial Court on 28.11.2017. He also submits that the report of the Chemical Examiner has not been received till date. Counsel further contends that the petitioner would appear before the trial Court on 03.02.2018, which was the date fixed in the bail application, and would re-submit his bail bonds and surety bonds to the satisfaction of the trial Court.

In view of the above facts, the present petition is disposed of with an observation that in case the petitioner appears before the trial Court on 03.02.2018 and surrenders before the Court, he shall be admitted to bail to the satisfaction of the trial Court, provided the assertions of counsel for the petitioner that the report of the Chemical Examiner has not yet been received and that except for 28.11.2017, the petitioner has not absented prior thereto at any date, are found to be correct.

Copy of the order be given *dasti* to counsel for the petitioner under the signatures of Bench Secretary of this Court.

February 01, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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