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CRM-M-46013-2018

MOHD HAMEED VS STATE OF PUNJAB

Present: Mr. Sumeet Puri, Advocate, for the petitioner.

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to petitioner in case FIR No.244, dated 01.09.2017, under Section 22 of NDPS Act, 1985 read with Section 14 of The Foreigner Act, 1946, registered at Police Station Samrala, District Khanna.

The petitioner during trial absented on 11.09.2018. Therefore, his bail order was cancelled. His bail and surety bonds were forfeited to the State. Consequently, he was ordered to be summoned through non-bailable warrants.

Learned counsel for the petitioner contends that petitioner had been appearing on each and every date during trial. On 11.09.2018, he could not appear, because of his presence in some other criminal trial captioned as *State of Punjab vs. Mohd. Hamid* at Sangrur which is distantly situated from Ludhiana. The absence of the petitioner was not intentional or deliberate.

In view of the totality of the facts and circumstances, petitioner is directed to appear before the trial Court within a week and shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of the trial court with a condition that in future he would not commit even on a single default of non-appearance, till completion of trial. This order shall not be an embargo to the trial court to proceed against the petitioner under Section 446 Cr.P.C.

Disposed of.

October 17, 2018
Ankur

(RAMENDRA JAIN)
JUDGE