

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6337-2018

Date of decision : 15.2.2018

Rajesh Kumar alias Balli

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Kapil Khanna, Advocate,
for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.88 dated 27.4.2015 registered for the offences punishable under Sections 22 of Narcotics Drugs & Psychotropic Substances Act, at Police Station Bhargo Camp, Jalandhar.

Learned counsel for the petitioner submits that the petitioner was earlier on bail but on 19.9.2017, he could not appear before the trial court and his bail bonds were cancelled and forfeited to the State. The petitioner produced on record medical certificate showing his medical treatment for a period of 5 months. Due to this reason, he could not appear on the date fixed. After his discharge, the petitioner submitted an application for grant of anticipatory bail which was declined vide impugned order dated 23.10.2017.

Notice of motion.

On the asking of this Court, Mr. V.G.Jauhar, Sr. DAG, Punjab,

who is present in Court, accepts notice on behalf of the State.

I have heard learned counsel for the parties and gone through the material available on record.

At the time of cancellation of the bail, it is imperative on the part of the trial Court to issue a notice to the accused to appear either through his counsel or in person. In the event of Court is satisfied that the presence of the petitioner is difficult and to secure his presence, in that eventuality, bail may be cancelled.

It seems that learned trial court has taken undue haste for cancellation of bail.

Keeping in view the facts and circumstances of the case, this petition is allowed and the petitioner is directed to surrender before the learned trial court and on his doing so, he be treated on ad interim bail subject to the satisfaction of the learned trial court.

February 15, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No