

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

CRM-M-9105 of 2019
Date of Decision:22.04.2019

Jawahar Lal Yadav @ BhairoPetitioner
Versus

State of PunjabRespondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 170 dated 10.04.2015, under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Phagwara City, District Kapurthala.

On 01.03.2019, the following order was passed by this Court:

“Learned counsel for the petitioner submits that earlier the petitioner was released on anticipatory bail and the same was made absolute vide order dated 11.09.2015. He was appearing before the Court regularly.

Petitioner belongs to the State of Bihar. Some relative expired so he could not appear before the Court on 19.01.2019. Even the request of the petitioner for exemption from personal appearance was declined. The absence of the petitioner was neither intentional nor deliberate but it was because of unavoidable circumstances. Learned counsel also submits that the bail/surety bonds of the petitioner have been cancelled and forfeited to State. Petitioner is ready to surrender before the Court and undertakes to abide by all terms and

conditions to be imposed by this Court or by the trial Court.

Notice of motion for 22.04.2019.

However, the petitioner is directed to surrender before the trial Court within a period of one week from the date of receipt of certified copy of the order and in case, he surrenders before the trial Court within said period, the trial Court is directed to release him on interim bail on his furnishing bail/surety bonds to its satisfaction.”

It is contended by learned counsel for the petitioner that in terms of the order dated 01.03.2019, the petitioner has joined the proceedings before learned trial Court on 11.03.2019 and regularly appearing uptill date.

On instructions from HC Ranjit Singh, the above factual position is duly acknowledged by learned State counsel.

In view of the above, the order dated 01.03.2019 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is clarified that the petitioner shall fully co-operate with proceedings before learned trial Court and shall not commit any recurrence in future.

[MAHABIR SINGH SINDHU]
JUDGE

April 22, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no