

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

**CRM-M-12068-2019
Date of decision-15.03.2019**

Ravi Bharti

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. M.S.Saini, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.198 dated 05.11.2013 registered under Sections 21, 22 and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Raman, Bathinda.

Pursuant to the proceedings in the case before the trial Court, the petitioner appeared before the Court and was released on regular bail vide order dated 08.05.2014. However, on 05.03.2019, due to ill health, the petitioner absented and moved application for under Section 317 Cr.P.C for condoning the absence. However, the trial Court dismissed the same and proceeded to cancel the bail and issued the non-bailable warrants for 08.03.2019.

Since the petitioner was already extended the concession of regular bail, therefore, anticipatory bail may not be maintainable and

resultantly, at this stage, learned counsel for the petitioner makes a prayer to treat the petition under Section 482 Cr.P.C. The prayer is accepted.

Notice of motion.

At the asking of the Court, Mr. Amandeep S.Gill, Senior D.A.G, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Learned counsel for the petitioner has argued that the petitioner is ready and willing to join the proceedings and his absence on 05.03.2019 was *bona fide* as the petitioner was not well on the said date.

Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered appears to be sufficient.

Considering the above sequence of events, the impugned order dated 05.03.2019 (Annexure P-4) is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

15.03.2019

vanita

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