

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

105

CRM-M-13873-2019 (O & M)
Date of Decision:27.03.2019

Balkar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashok Giri, Advocate
for the petitioner.

MANOJ BAJAJ, J.(ORAL)

Petitioner has prayed for grant of pre-arrest bail in case FIR No.201 dated 11.10.2017, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kartarpur, District Jalandhar Rural.

It is contended that the petitioner was on anticipatory bail and on account of his absence on 10.09.2018, the Court proceeded to cancel the bail order and issued non-bailable warrants against him. The order is attached with the petition as Annexure P-1.

Learned counsel for the petitioner has contended as the petitioner is a rustic villager and had wrongly noted down the date of hearing as 10.10.2018 instead of 10.09.2018, therefore, he could not attend the date of hearing i.e. 10.09.2018 before the trial Court. Thereafter, the petitioner met with an accident and remained admitted in the hospital w.e.f. 12.11.2018 till 16.11.2018. Medical summary in this regard is attached as Annexure P-2 which reveals that as a result of fracture, the petitioner was immobilized.

At this stage, on the oral request of the petitioner, petition is treated under Section 482 Cr.P.C.

Notice of motion.

At the asking of the Court, Mr. Harsimar Singh Sitta, AAG, Punjab accepts notice on behalf of the respondent-State in this petition. A copy of the paper book has been handed over to the learned State counsel, in the Court.

The FIR was registered in the year 2017 and on account of absence before the trial Court on 10.09.2018, the extreme order of cancellation of bail has been passed. It is to be borne in mind that at times the accused can be prevented by sufficient reasons to put in appearance before the trial Court on a given date and, therefore, such absence necessarily cannot be construed as deliberate or willful. The explanation offered by learned counsel for the petitioner appears to be reasonable and the same is accepted.

Considering the above, the impugned order is set aside and it is ordered that petitioner shall remain on bail either on the same bail bonds or the learned trial Court may seek fresh bail bonds etc.

Disposed off.

27.03.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No