

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

**CRM-M No. 22389 of 2019
Date of Decision:-16.05.2019**

Gurwinder Singh @ Gendi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

MANOJ BAJAJ J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of pre-arrest bail in case FIR No.187 dated 15.10.2016, under Sections 21, 25 and 29 of the NDPS Act, 1985, registered at Police Station City Tarn Taran, District Tarn Taran.

Since the petitioner was already extended the concession of regular bail, therefore, anticipatory bail petition 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.

On asking of the Court, Mr. Harsimar Singh Sitta, AAG, Punjab accepts notice on behalf of respondent-State. Learned counsel for the petitioner has handed over requisite number of copies of paper book to learned State counsel.

Learned counsel for the petitioner submitted that the petitioner was

allowed regular bail and subsequently he kept on appearing before the Court below. However, on 06.05.2019, petitioner Gurwinder Singh @ Gendi did not appear before the Court due to wrong date noted down as 05.06.2019 instead of 06.05.2019 and on account of his absence on the actual adjourned date, his bail was cancelled and the matter was adjourned to 24.5.2019. He further contends that previously the concession of bail was extended, which was never misused.

On the other hand, learned State counsel has opposed the prayer on the ground that order passed by the Court below rejecting the bail of the petitioner is well reasoned.

I have heard learned counsel for the parties.

Considering the fact that petitioner was already on bail and has never misused the concession of bail and on a given date an accused can be prevented by sufficient reasons to put in appearance as in this case i.e. because of noting a wrong date. The explanation offered by the petitioner is plausible and is accepted.

Considering above, the petition is allowed and the order dated 06.5.2019 (Annexure P-2) is quashed and the petitioner is allowed to remain on bail on the same bail bonds and surety bonds, furnished by him before the trial Court on 09.01.2017.

The petition stands allowed.

May 16, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No