

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CRM-M-23736-2019 (O & M)
Date of Decision:23.05.2019

PRINCEPAL SINGH @ PRINCE

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raman Singla, Advocate
Mr. Rishu Mahajan, Advocate for the petitioner.

MANOJ BAJAJ, J.(ORAL)

Petitioner has prayed for grant of anticipatory bail in case FIR No.110 dated 24.06.2018, under Section 22 of the NDPS Act registered at Police Station Lopoke, Amritsar, as he apprehends arrest pursuant to order dated 15.03.2019 passed by the trial Court, whereby non-bailable warrants of arrest were issued.

When confronted with the issue of maintainability of the petition under Section 438 Cr.P.C., learned counsel for the petitioner prays for treating the petition under Section 482 Cr.P.C. The prayer is accepted and the petition is treated under Section 482 Cr.P.C.

Learned counsel for the petitioner contends that the petitioner was appearing regularly and it was only on one date when he was absent, the Court below has issued the non-bailable warrants at the first instance. He further contends that the petitioner had noted the wrong date of hearing which resulted into his non-appearance. He also contends that it was not intentional and bona fide and the petitioner had not gained any undue

advantage by non-appearance.

Notice of motion.

At the asking of the Court, Mr. Kirat Singh Sidhu, DAG, 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.

Learned counsel for the petitioner contends that the petitioner will put in appearance on the date fixed and will appear regularly.

This Court finds that the explanation offered for the absence of petitioner on 15.03.2019 is reasonable and it is to be borne in mind that many a times the accused or his counsel can be prevented by sufficient reasons on a given date from putting in appearance before the Court and every such absence cannot necessarily be construed deliberate or wilful.

Considering the above, the order dated 15.03.2019 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.

23.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No