

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

**CRM-M-26178-2019
Date of decision-03.06.2019**

Gurmeet Singh @ Pappi

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Sahil Thakur, Advocate for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.048 dated 26.03.2017 registered under Sections 15, 18, 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Adampur, District Jalandhar, Punjab.

Learned counsel for the petitioner contends that the petitioner was granted interim regular bail by trial Court vide order dated 13.10.2017 (Annexure P-2) till the receipt of FSL report. Thereafter, the petitioner kept on appearing before the trial Court regularly. It was on 01.05.2019, the petitioner absented himself and the Court proceeded to cancel his bail. It is submitted that the petitioner had noted the wrong date as 07.05.2019 instead of 01.05.2019 and caused absence on the given date.

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. Gaurav Garg Dhuriwala, Sr.DAG, 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.

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 for non appearance before the trial Court is justified and therefore, the same is accepted.

Considering the above, the impugned order dated 01.05.2019 (Annexure P-5) is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

03.06.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No