

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-32829-2019 (O & M)
Date of Decision:28.08.2019

GURDEV SINGH @ DEBA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S. Sidhu, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has prayed for grant of anticipatory bail in case FIR No.81 dated 29.11.2017, under Section 22 of NDPS Act, 1985 registered at Police Station Khemkaran, District Tarn Taran, as he apprehends arrest pursuant to order dated 18.07.2019 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 i.e. 18.07.2019 when he absented, the Court below cancelled the bail and issued the non-bailable warrants at the first instance. He further contends that the petitioner had noted the wrong date of hearing as 18.08.2019, which resulted into his non-appearance on 18.07.2019. He also contends that it was not intentional.

Notice of motion.

At the asking of the Court, Mr. Hittan Nehra, Addl.A.G., 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 18.07.2019 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 18.07.2019 is set aside and it is ordered that petitioner shall remain on the same bail bonds and surety bonds furnished by petitioner at the time of bail.

The petition is allowed.

28.08.2019
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(MANOJ BAJAJ)
JUDGE

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