

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

117

CRM-M-35576 of 2019 (O&M)

Date of decision: 29.08.2019

Anthony @ Sabhi

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Chandan Singh Rana, Advocate  
for the petitioner.

\*\*\*\*\*

**ANIL KSHETARPAL, J. (ORAL)**

Petitioner prays for grant of pre-arrest bail in FIR No.158 dated 02.12.2018 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Maqsudan, District Jalandhar.

Although, petition under Section 438 of the Code of Criminal Procedure is not maintainable, however, on the oral request of counsel for the petitioner, this petition is treated as one under Section 482 of the Code of Criminal Procedure.

Notice of motion.

On asking of the Court, Mr. Bhupender Beniwal, AAG, Punjab, accepts notice on behalf of the State of Punjab.

After hearing learned counsel for the parties, this Court is of the view that the present petition can be conveniently disposed of on the very first date of hearing.

The petitioner is an accused in a criminal case referred to

above. The petitioner was allegedly found in possession of 8 grams heroine which is non-commercial quantity. The petitioner is alleged to have granted bail on 02.01.2019, however, he could not appear in the Court on 08.07.2019 due to the fact that he had noted the next date of hearing as 07.08.2019 instead of 08.07.2019. Non-bailable warrants have been issued against the petitioner.

Learned counsel for the petitioner submits that given an opportunity, the petitioner is ready to surrender before the trial Court and furnish fresh bail bonds and surety.

Keeping in view the aforesaid facts, the petitioner is directed to surrender before the trial Court within 10 days henceforth and furnish bail bonds with surety of like amount to the satisfaction of the concerned trial Court.

This order is conditional and would inure to the benefit of the petitioner only if he surrenders before the trial Court within the aforesaid time. The petitioner would also be required to file an affidavit to the effect that he shall not absent from the date of hearing without exemption in advance is granted.

Keeping in view the assertions made, this petition is disposed of.

**29.08.2019**  
D.Bansal

**( ANIL KSHETARPAL )**  
**JUDGE**

|                           |          |
|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether Reportable        | Yes / No |