

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

CRM-M-37346-2019 (O&M)

Date of decision : 05.09.2019

Gurmail Singh @ Goli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manpreet Singh Dua, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Notice of motion.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab accepts notice on behalf of the State.

Although, in the considered view of this Court, petition under Section 438 Cr.P.C. is not maintainable as the petitioner had already been granted regular bail, however, keeping in view the facts of the present case and on the oral request made by the learned counsel for the petitioner, this petition is treated as one under Section 482 Cr.P.C.

It has been asserted in the petition that the petitioner is accused in case under Narcotic Drugs and Psychotropic Substances Act, 1985. The alleged recovery from him is of non-commercial quantity. He was ordered to be released on bail on 11.10.2018 by this Court. It has further been asserted that the petitioner had been regularly appearing before the Court. However,

on 08.07.2019, he had appeared before the Court but inadvertently, his presence was not marked due to which his bail bonds were cancelled and surety bonds were forfeited.

Learned counsel further submits that given an opportunity, he is ready to surrender before the trial Court. He further undertakes to appear before the Court and furnish fresh bail bonds with surety of like amount to the satisfaction of the trial Court.

Keeping in view the aforesaid facts, this Court has considered it appropriate to dispose of the present petition on the very first date of hearing. Petitioner is directed to surrender before the trial Court within a period of 10 days from today and furnish fresh bail bonds with surety of like amount to the satisfaction of the trial Court.

This order is conditional and subject to the undertaking given by the learned counsel for the petitioner. Petitioner shall also file an affidavit that he shall not remain absent without exemption having been granted by the Court in advance. If the petitioner fulfills the undertaking, he shall be released on bail.

Petition disposed of.

05.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No