

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

**CRM-M-38230-2019
Date of decision-09.09.2019**

Sunny Nahar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Prashant Vashishth, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.263 dated 24.09.2017 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Division No.7, Ludhiana City.

Learned counsel for the petitioner contends that on 04.07.2019, the petitioner absented himself and the trial Court proceeded to cancel his bail and forfeited the bail bonds. It is submitted that the petitioner was arrested in another case bearing FIR No.82 dated 21.05.2019 under Sections 21, 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Tibba, Ludhiana and caused absence on the given date.

Since the petitioner was already extended the concession of regular bail, therefore, anticipatory bail may not be maintainable and resultantly, at this stage, 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. Hittan Nehra, Addl.AG, 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 or counsel can be prevented by sufficient reasons to put an appearance before the Court on a given date and every such absence cannot be necessarily construed as a deliberate and willful absence. The explanation offered for non appearance before the trial Court appears to be justified and therefore, the same is accepted.

Considering the above, the impugned order dated 04.07.2019 (Annexure P-2) is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

09.09.2019

vanita

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No