

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

**CRM-M No. 47480 of 2019
Date of Decision:-20.11.2019**

RAHUL SHARMA AND ANOTHER

.....Petitioners

V/S

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajnikant Upadhyay, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in case FIR No. 54 dated 17.03.2019 registered under Section 21 of the NDPS Act, 1985 at Police Station Kharar, District SAS Nagar.

Learned Counsel for the petitioners has submitted that the petitioners-Rahul Sharma and Jatin Kumar were released on interim bail vide orders dated 23.04.2019 and 26.04.2019 respectively subject to the result of chemical examiner. The petitioners did not appear on 06.07.2019 due to miscommunication regarding their appearance being required at the time of filing the challan. Thereupon their bail order was cancelled and non-bailable warrants of arrest were issued against them. Absence of the petitioners was not intentional. The petitioners are ready to comply with the terms and conditions regarding their appearance and they may be ordered to

be released on fresh anticipatory bail.

Learned State Counsel has submitted that the petitioners have absented and thereby misused the concession of bail. Therefore the petitioners are not entitle to anticipatory bail.

In the present case, the petitioners were ordered to be released on interim bail till the receipt of FSL report and the petitioner absented before the receipt of FSL report due to miscommunication between them and their counsel. Keeping in view, the facts and circumstances of the case but without commenting on merits, the petition is allowed and the petitioners are directed to surrender before the trial Court and file application for regular bail before the trial Court and the petitioners are ordered to be released on interim bail on furnishing of bail bonds by them to the satisfaction of the trial Court till decision of their application for regular bail.

20.11.2019

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No