

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

105

CRM-M-188-2020.

Date of Decision: 08.01.2020.

Balkaran Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Lalit Batra, J.(Oral)

Present petition under Section 438 Cr.P.C. is for grant of pre-arrest bail in F.I.R. No.90 dated 29.07.2018 under Sections 15, 21 and 22 of the N.D.P.S. Act, 1985 and Section 61 of Punjab Excise Act, 1914, registered at Police Station Phool, District Bathinda.

Learned counsel for the petitioner *inter alia* contends that as a matter of fact due to mistake in noting down the exact date of hearing before trial Court, petitioner (accused) could not appear in Court on 06.09.2019 and 30.09.2019. He further urges that in fact petitioner had noted down the date of hearing to be 22.11.2019. He further submits that on account of above said default at the instance of petitioner, his appearance is being secured through warrant of arrest by the trial Court.

Notice of motion.

On asking of the Court, Mr. Harbir Sandhu, Assistant Advocate General, Punjab, accepts notice on behalf of respondent-State. Complete copy of paper book be supplied to him.

I have heard learned counsel for the parties.

A bare perusal of record reveals that petitioner is facing trial. It appears that on account of mistake in noting down the exact date of hearing, he could not appear before the trial Court on 06.09.2019 and 30.09.2019. At present, appearance of petitioner is being secured by the trial Court by issuance of warrant of arrest against him.

In view of above but without commenting anything on the merits of the case, instant petition moved at the instance of petitioner (Balkaran Singh) is allowed in the manner that he shall surrender before trial Court within 15 days from today and on surrender, he shall be enlarged on bail as per terms and conditions set out by the trial Court. However, it is made clear that trial Court is at liberty to initiate proceedings under Section 446 Cr.P.C. against the petitioner in accordance with law.

(LALIT BATRA)
JUDGE

08.01.2020

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No