

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

CRM-M-14424 of 2020

Simranjit Singh @ Gola

.....Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision: 29.06.2020

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. G.S. Bawa, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

HARINDER SINGH SIDHU, J

The case has been taken up by way of Video Conference as per instructions in view of COVID-19 pandemic.

This petition has been filed seeking regular bail in case FIR No.52 dated 27.05.2014 under Section 22 of NDPS Act registered at P.S Islamabad, Amritsar, District Amritsar.

Allegations in the FIR are that when ASI Resham Singh along with police party was on routine patrol duty and they were going to Nivian Pailian, Meharpura from Gurbaksh Nagar, they apprehended the petitioner near the Railway Crossing, who was found in possession of 200 grams intoxicant powder. Accordingly, the petitioner was cited as an accused and arrested in the case.

It is stated that the petitioner had been regularly appearing before the trial Court but the prosecution could not present challan before the concerned Court till 08.02.2017. The trial Court while exempting personal appearance of the petitioner adjourned the remand paper sine die. On 01.12.2018, the police of P.S Islamabad presented the challan in the absence of the petitioner. Notice was issued

to the petitioner to appear. However the petitioner was not served and as such failed to appear before the Trial Court. Consequently the trial Court cancelled his bail order besides issuing non-bailable warrants to him. Due to his absence, the petitioner was also declared as proclaimed offender in this case on 20.05.2019.

Learned counsel for the petitioner states that the petitioner did not appear before the Trial Court as the notice issued by the trial Court was not served upon him. The absence of the petitioner was neither intentional or wilful but due to non-service of the summons. It is stated that the petitioner is in custody since 19.11.2019 and is no longer required by the police for further investigation.

Heard.

As per Section 167(2) Cr.P.C, every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter. The bail granted to the petitioner was cancelled for his failure to appear before the Court. The petitioner has explained the reason for his non-appearance. There does not appear to be any intentional default on the part of the petitioner. Accordingly this petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

June 29, 2020
manoj

(Harinder Singh Sidhu)
Judge