

CRM-M-15186-2020

Date of decision : 30.6.2020

Kashmir Singh alias Heera

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. B.S. Saini, Advocate
for petitioner.

Mr. H.S. Sullar, DAG 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 is a petition filed under Section 439 Cr.P.C. for grant of bail in case FIR No. 11, dated 24.1.2014, registered under Sections 22, 61 of NDPS Act, 1985 at Police Station Mehatpur, District Jalandhar.

The allegations against petitioner are that 80 grams of diphenoxylate hydrochloride was recovered from him. Petitioner was granted bail under Section 167 (2) Cr.P.C. on 5.8.2014, however, he absented himself from Court on 19.2.2018. Proclaimed proceedings were initiated against him and he was declared proclaimed offender on 7.12.2018.

Learned counsel for petitioner states that petitioner is a truck cleaner. In order to earn livelihood, he used to go out of State of Punjab. Petitioner could not appear before trial Court on the date fixed despite his best efforts. He accordingly made a phone call to his counsel to move an application seeking exemption from personal appearance. However, his counsel told him that he need not to appear and he will take a date. Petitioner again called his counsel to know the fate of his case but no satisfactory reply was given. However, he was informed that notice would be issued to him and he should appear before the trial Court on the date fixed. It is only in February 2020, petitioner came to know that he has been declared proclaimed offender on 7.12.2018. He immediately surrender

before the Court on 19.2.2020.

Learned counsel for petitioner states that his non appearance before trial Court was not intentional. He undertakes that petitioner shall appear before trial Court as and when warranted by it.

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 petitioner was cancelled for his failure to appear before the Court. Petitioner has explained the reason for his non appearance before the trial Court. There does not appear to be any intentional default on the part of petitioner. Accordingly, this petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

30.6.2020

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No