

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

Sr. No.104

CRM-M-19826-2021

DATE OF DECISION: May 18, 2021

AVTAR SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashish Aggarwal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is an accused in FIR No.261, dated 07.11.2017 registered at Police Station Bhikhiwind, District Tarn Taran, under Section 22 of the NDPS Act, 1985. He was granted regular bail by the trial Court but the same was cancelled vide order dated 27.04.2018 on the ground that he had failed to appear without intimation.

Learned counsel for the petitioner has argued on the basis of '*Free Legal Aid Committee, Jamshedpur vs. State of Bihar, 1982 AIR (SC) 1463*' that an accused on bail is not required in law to appear before the concerned Court till the challan is presented and process is issued.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice and waives service. He admits the position in law.

Thus, the petition is disposed of with a direction to the petitioner to surrender before the trial Court on or before 26.05.2021 and seek regular bail. In case, such an application is filed, the trial Court is directed to grant the same. Meanwhile, the petitioner shall not be arrested. However, it is made clear that in case the petitioner fails to surrender on or before the date fixed, he shall not be entitled to any favourable consideration.

May 18, 2021
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No