

Sundar Kumar

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Naveen Sharma, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for the issuance of directions to the learned trial Court to release the petitioner on anticipatory bail in the event of his arrest in case FIR No.44 dated 19.02.2020 registered under Section 15 NDPS Act, 1985 at Police Station Sangat, District Bathinda.
3. Learned counsel contends that the petitioner was released on regular bail in the aforementioned case vide order dated 19.03.2020, challan was presented on 18.08.2020, whereupon, notice was issued to the petitioner and the matter was adjourned to 04.03.2021 and thereafter 23.03.2021.
4. Learned counsel contends that on 26.02.2021 and 04.03.2021, the petitioner filed an application for exemption. However on 23.03.2021, bail bonds of the petitioner were cancelled and non-bailable warrants issued against

him on account of his failure to be present before the learned trial Court.

Learned counsel contends that the same was not intentional but on account of the petitioner suffering from fever and consequential inability to appear as is evident from prescription slip (Annexure P-2).

5. Learned counsel contends that the petitioner has, except for the aforementioned date, been regularly appearing before the learned trial Court and undertakes to be present before the learned trial Court on each and every date in future also.

6. Notice of motion.

7. Ms. Samina Dhir, learned DAG, Punjab, accepts notice and on instructions from ASI Ranjit Singh does not dispute the aforementioned factual position.

8. I have considered to submissions of learned counsel for the parties. In the circumstances, inability of the petitioner to appear before the learned trial Court on 23.03.2021 was apparently for a genuine reason. Accordingly, in view of the position noted above, impugned order dated 23.03.2021 is set aside and the petitioner directed to put in appearance before the learned trial Court within 01 week from today and to move a petition for regular bail.

9. On the petitioner moving a petition for regular bail, the learned trial Court is directed to release the petitioner on regular bail, subject to such terms and conditions as are deemed appropriate for securing the presence of the petitioner on each and every date of hearing. It is also made clear that in case of default by the petitioner, in appearance before the learned trial court on any date of hearing, it would be open to the learned trial Court to take action in respect thereto, in accordance with law.

10. Petition disposed of with the aforementioned directions.

(B.S. Walia)
Judge

10.06.2021
'Rajneesh/Amit'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*