

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CRM-M-49160-2021

Date of Decision : November 24, 2021

Surinder Kumar @ Ajay

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.2 dated 01.01.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Adampur, District Jalandhar Rural.

Learned counsel for the petitioner submits that after the registration of the FIR, the petitioner was granted the benefit of regular bail on 03.02.2018 and thereafter, the petitioner attended the proceedings regularly except on one date when due to some miscommunications, he could not attend the proceedings and on the same date, the bail granted to him was cancelled by the trial Court and now, the proclamation proceedings

to declare the petitioner proclaimed offender has already been initiated on 14.09.2021. Learned counsel for the petitioner further submits that the petitioner is ready to surrender before the trial Court so as to attend the proceedings regularly without any fail henceforth.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the factum that the petitioner was already granted the regular bail but as the petitioner failed to comply with the terms and conditions of bail, as he did not attend the proceedings on a particular date, the said bail was rightly cancelled.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, a bail has been granted to an accused on certain conditions, those conditions are to be adhered to unless and until any exemption is granted by the competent Court of law. In the present case, the petitioner remained absent from proceedings on a particular date and that too without any valid justification.

Taking a lenient view of the said default, especially in view of the fact that the petitioner has undertaken before this Court that in case, the petitioner is granted the benefit of anticipatory bail so as to allow the petitioner to surrender before the trial Court and join the proceedings, the petitioner will adhere to all the terms and conditions of the bail henceforth during the period of trial.

Keeping in view the said, it is directed that in case, the petitioner surrenders before the trial Court within a period of next seven days, he be admitted to anticipatory bail to the satisfaction of the Illaqa Magistrate/trial Court.

In view of the above, the present petition is disposed of.

November 24, 2021

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No