

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(103)

CRM-M-5405-2022

Date of Decision : February 09, 2022

Balwinder Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Hanspuneet Singh Kehal, Advocate, for  
Mr. Gurpreet Singh Gurna, 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.56 dated 01.06.2018 registered under Sections 21, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Ramdas, Tehsil Ajnala, District Amritsar.

Learned counsel for the petitioner submits that the petitioner was extended the concession of regular bail by the trial Court but due to the fact that the petitioner is employed as a truck driver, the petitioner could not appear so as to attend the proceedings before the trial Court as the petitioner

is constantly travelling due to his employment and was mistaken with

respect to the date he had to appear before the concerned Court. Learned counsel for the petitioner further submits that non-appearance before the Court is not intentional but due to the employment condition. Learned counsel further submits that though, there is a default on the part of the petitioner but the petitioner is ready to deposit cost in case, the petitioner is granted the protection as the petitioner intends to join the proceedings once again. Learned counsel further submits that the petitioner undertakes to obey all the conditions imposed by the trial Court and he will attend all the proceedings of the trial Court without any fail unless and until granted an exemption at a prior given point of time.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel argues that once the petitioner was extended the concession of bail on certain conditions, it was the duty of the petitioner to adhere to those conditions which includes the attending of the proceedings before the trial Court and therefore, the cancellation of bail by the trial Court in the present case cannot be termed as illegal or arbitrary and therefore, the prayer of the petitioner may kindly be declined.

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

Though, the conduct of the petitioner in not appearing before the trial Court after getting the concession of regular bail, is not appreciated

but as the petitioner has stated before this Court that the absence from the

proceedings was only due to the nature of his employment, therefore, by giving him a benefit of doubt, as a one time measure, the petitioner is directed to join the proceedings especially when the petitioner has already undertaken before this Court to obey all the conditions imposed by the trial Court and that he will attend all the proceedings of the trial Court without any fail.

The trial Court is requested that in case, the petitioner joins the proceedings within a period of next ten days, he be extended the concession of anticipatory bail.

However, this order will be subject to a cost of Rs.10,000/- to be deposited with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO 151-152, Sector 9-C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch.

The present petition is allowed in above terms.

**February 09, 2022**

*harsha*

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No