

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

CRM-M-55550-2022

Date of Decision:01.12.2022

GURVAIL SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Procedure, the petitioner is seeking bail in FIR No.147 dated 18.07.2017, under Sections 21 and 22 of the NDPS Act, 1985 and Sections 42 and 52 of Prisons Act, 1894, registered at Police Station Gate Hakima, District Amritsar.

Learned counsel for the petitioner inter alia contends that petitioner was released on regular bail vide order dated 29.09.2017 by Special Judge, Amritsar. The challan was presented and thereafter charges were framed on 14.02.2019. The petitioner is suffering from cancer and due to severe pain failed to appear before Trial Court on 27.09.2022 and learned Trial Court cancelled bail bond of the petitioner and issued non-bailable warrants. The matter is fixed for hearing before Trial Court for 12.12.2022. The petitioner is ready and willing to appear before Trial Court and face the trial. The non-appearance was unintentional and beyond the control of the petitioner.

Keeping in mind:

- (i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus ,his presence would meet ends of justice;
- (ii) The Petitioner is a cancer patient;
- (iii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- (iv) The Petitioner is not involved in any other offence;
- (v) The petitioner is resident of Tarn Taran and trial is pending at Amritsar, thus jurisdictional court and police authorities have access over the activities of the petitioner.
- (vi) The petitioner was initially granted regular bail by ASJ, Amritsar on 29.09.2017 and petitioner thereafter on many date appeared before trial court;
- (vii) Trial is pending since 2017 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed.

The petitioner is directed to appear before learned Trial Court on or before 12.12.2022 and furnish fresh bail bonds.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

01.12.2022

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>