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

CRM-M-3393-2023

Date of Decision: January 23, 2023

Lukman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Imran Farooqi, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.76, dated 06.08.2021, under Sections 21/22/25/61/85 of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Maloud, District Khanna.

It has been contended by counsel for the petitioner that alleged recovery of 30 gram heroin was non-commercial. He has submitted that petitioner was granted regular bail and he was regularly appearing before the trial Court, however, due to miscommunication with his counsel, he could not appear on 16.08.2022 and thus his bail bonds were cancelled. He submits that petitioner is not involved in any other case of similar nature and his absence was totally unintentional. He submits that petitioner is ready to join the proceedings and face trial.

Notice of motion.

On asking of the Court, Mr.P.S.Grewal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

Heard.

After hearing learned counsel for the parties and perusing the record, it is transpired that the petitioner remained absent on 16.08.2022 due to his miscommunication with his counsel. Because of his absence, his bail was cancelled and bail and surety bonds were ordered to be forfeited to the State. As now, he is ready to join the proceedings continuously. Hence, order dated 16.08.2022 is set aside subject to payment of Rs.20,000/- as costs, to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of ten days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned is directed to release him on regular bail to its satisfaction. He will have protection from arrest for a period of ten days from today. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 16.08.2022 would come in force.

Disposed of accordingly.

January 23, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |