

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102

CRM-M 25010 of 2023

Date of Decision: 17.05.2023

NARINDER SINGH

.....*Petitioner*

Versus

STATE OF PUNJAB

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. L.M. Gulati, Advocate for the petitioner.

GURBIR SINGH, J (ORAL)

The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.77, dated 09.04.2019, under Section 15, 29 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chatiwind, District Amritsar Rural.

Learned counsel for the petitioner submits that the petitioner was granted the concession of regular bail and he was regularly appearing before the Court below. Petitioner went to Srinagar for some work and due to bad weather, it was not possible for him to return back as such could not appear before the Court. An application for exemption from personal appearance on behalf of the petitioner was moved before the trial Court. However, the same was declined vide order dated 08.12.2022 (Annexure P-3), bail of the petitioner was cancelled, his bail bonds/surety bonds were forfeited to the State and non-bailable warrant of arrest was issued against him.

Notice of motion.

On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG,

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Punjab, appears and accepts notice on behalf of respondent-State. He opposes the submissions made by the learned counsel for the petitioner and submits that the petitioner should have surrendered before the learned trial Court.

Heard learned counsel for the parties and perused the material on record.

Since the petitioner had absented only on one date and application for exemption from personal appearance was moved by his counsel, however, exemption had been declined on the ground that application was not supported with an affidavit. When the person is out of station, it is not possible to furnish affidavit in support of the application.

In view of the above, the present petition stands disposed of. The petitioner is directed to surrender before the learned trial Court/Duty magistrate within 10 days and move an application for bail. The same shall be decided on the same day. In case, application is dismissed then the petitioner shall not be arrested for a further period of 03 days.

(GURBIR SINGH)
JUDGE

17.05.2023 *jyoti3*

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