

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

110

CRM-M-44780-2023

Date of decision: 06.09.2023

Sukhjinder Singh @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Harpreet Singh Sodhi, Advocate for the petitioner.

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.02, dated 06.01.2022, registered under Sections 15, 61 and 85 of NDPS Act, 1985 at Police Station Sanaur, District Patiala.

2. Learned counsel contends that the petitioner was granted regular bail by the trial Court vide order dated 07.02.2022, whereafter, he continued to appear before the trial Court. He had filed an application for exemption which was allowed on 20.10.2022, Annexure P-2, however, the petitioner had noted the wrong date i.e. 20.12.2022 instead of 02.12.2022. On 20.12.2022 when the petitioner approached the trial Court, he came to know that his bail was cancelled and bails bonds and surety bonds were forfeited to the State and the case was adjourned to 09.02.2023 on which date, due to grandfather and maternal aunt of the petitioner having expired, he was unable to appear.

Thereafter, he contacted his counsel and came to know that his case was fixed for 21.10.2023 as the proclamation proceedings had been initiated against him vide order dated 17.08.2023. The absence of the petitioner is neither wilful nor deliberate and on account of the reason aforesaid. Further that he is ready and willing to join the proceedings and prays for grant of one opportunity to him to surrender before the learned trial Court. On instructions of the petitioner, learned counsel states that any condition could be imposed, which he shall abide by without any demur and is ready to even give an undertaking before the trial Court that he will cooperate with the recording of evidence.

3. Notice of motion.

4. Ms. Himani Arora, AAG, Punjab who has appeared on receipt of advance copy of the petition, opposes the same by submitting that the impugned order is legal and valid and has been rightly passed by the trial Court on account of non-appearance of the petitioner.

5. Heard.

6. Considering the peculiar facts and circumstances of the case and in the interest of justice, the petitioner is directed to surrender before the trial Court on or before 15.09.2023 and furnish fresh bail/surety bonds. On so doing, the trial Court shall release him on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court and cooperate with the recording of the evidence. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present

case.

7. Disposed of accordingly.
8. It is made clear that in case, the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

06.09.2023
Ankur

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No