

[133] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19081-2024
Date of Decision : 19.04.2024

Gurvir Singh alias Bobby ...Petitioner

versus

State of PunjabRespondent

Coram : HON’BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Vishavjeet Singh Rishi, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (ORAL)

[1] The petitioner has approached this Court seeking quashing/setting aside of order dated 17.10.2023 (Annexure P-5) passed by learned Addl. Sessions Judge, Ludhiana, whereby petitioner’s bail stands cancelled and the bail bonds/surety bonds stand forfeited to the State in case FIR No.135, dated 16.08.2022 registered under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985, Police Station Machhiwara, District Khanna, Punjab, on account of his absence.

[2] Having heard learned counsel for the petitioner, the instant is disposed of with a direction that in case the petitioner surrenders before the trial Court within 10 days from today and moves an application for grant of regular bail, the trial Court shall consider the same expeditiously while taking into account the observations made in concluding paragraph of judgment passed by this Court in CRM-M-39172 of 2021 titled Pawan

Kumar Vs. State of Haryana and another decided on 21.09.2021, which reads as under:

“12. Before parting with this order, it needs to be added that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear before the trial Court on account of genuine reasons, say on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a lenient view in genuine cases and decide the regular bail application expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion, may also chose to grant interim bail, in fit cases, but only after surrender of accused.”

[3] The petition stands disposed of accordingly.

(GURVINDER SINGH GILL)
JUDGE

19.04.2024
'R. Sharma'

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