

**(2010) 12 P&H CK 0474**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal M. No. M-35381 of 2010 (O and M)

Sandeep Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

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**Date of Decision:** Dec. 2, 2010

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) - Section 21, 61

**Hon'ble Judges:** Jaswant Singh, J

**Bench:** Single Bench

**Final Decision:** Allowed

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**Judgement**

Jaswant Singh.J.

Petitioner-Sandeep Singh who is an accused and facing trial in case FIR No. 452 dated 9.10.2007 under Sections 21/61/85 of the NDPS Act, PS Kotwali, Patiala has invoked the jurisdiction of this Court u/s 438 Cr.PC on account of his bail order and bail bonds having been cancelled due to his non-appearance on 4.11.2010 before the trial court.

2. It is submitted that since the presentation of challan in the year 2008, Petitioner had been regularly attending the Court and due to noting down a wrong date i.e. 24.11.2010 instead of 4.11.2010, he could not be present at the time of hearing on 4.11.2010.

3. Learned Counsel submits that absence of the Petitioner was neither intentional nor willful and further in view of the fact that he was regularly attending the Court prior to the said date he be shown indulgence by grant of anticipatory bail to join the process of Court as non-bailable warrants have been issued against the Petitioner.

4. Notice of motion.

5. At the asking of the Court Mrs.RK Nihalsinghwala, Addl.AG Punjab, who is present in court accepts notice.

6. After hearing the learned Counsel for the parties, in my opinion the prayer of the Petitioner is liable to be accepted. It is apparent that the Petitioner had been regularly appearing before the trial court the reason for his non-appearance on one date, appears to be probable and unintentional. Accordingly, I deem it expedient and in the interest of justice to direct that in case the Petitioner surrenders before the trial court within 10 days, he shall be released on bail on his furnishing fresh bail bonds to the satisfaction of the trial court and subject to payment of Rs. 5000/-as costs to be deposited with State Legal Services Authority, Patiala.