

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

**Crl. Misc. No. M-3359 of 2015
Date of decision : 06.02.2015**

Hardeep Singh @ Deepa

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.
Ms. Anmol Grewal, AAG, Punjab.

RITU BAHRI , J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, who has been booked for having committed the offence punishable under Sections 21-29-61-85 of the NDPS Act in a case arising out of FIR No.40 dated 26.05.2013, registered at Police Station Jhansa District Kurukshetra.

The petitioner is facing trial in FIR No.40 dated 26.05.2013 under Sections 21-29-61-85 of the NDPS Act on a recovery of 15 grams of heroine from two accused. As per the NDPS Act 12 grams is small quantity and above 50 grams is commercial quantity. Since the recovery was marginally higher from the small quantity. He is granted regular bail by the trial Court. Thereafter he did not put in appearance on 07.01.2015 and warrant of arrest was issued on 22.01.2015. He surrendered before the trial Court and made an application for bail, which was dismissed by observing that on 07.01.2015, when he was absent six witnesses present and their statements

could not be recorded.

Counsel for the State on instructions from Krishan has informed this Court that the petitioner has been convicted on 17.09.2014 for 04 years and a fine of Rs.20,000/- under NDPS trial at Kurukshetra.

In the present case, the petitioner has taken the ground for non-appearance before the trial Court on 07.01.2015, that on that date he had gone to attend the last ceremony of his cousin sister and could not appear before the trial Court.

Keeping in view the above facts and explanation given, the petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kurukshetra.

06.02.2015

Vinay

**(RITU BAHRI)
JUDGE**