

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-37584 of 2015

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Date of decision:9.12.2015

Jagtar Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Jatinder Singh, Advocate Mr. Ramandeep Singh Pandher,
Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.21 dated 7.2.2014 registered
for the offence under Section 22 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station
Sirhind, District Fatehgarh Sahib.

Notice of motion has been issued in this case.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General,
Punjab has put in appearance on behalf of the respondent-State and
contested this petition.

I have heard learned counsel for the petitioner and learned
Deputy Advocate General, Punjab appearing for the respondent-State and
have gone through the record.

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From the record, I find that as per order dated 3.6.2015, accused Jagtar Singh was absent without any intimation to his counsel as well as to the Court, as such the bail order of the accused was cancelled and non-bailable warrants were issued.

Learned counsel for the petitioner argued that the petitioner was in custody in some other case as is clear from Annexure-P.3, which shows that the accused/petitioner was arrested in that case on 25.5.2015 and the bail was granted on 20.6.2015. This order (Annexure-P.3) passed in FIR No.27 of 25.5.2015 shows that the absence of the petitioner in the present case was not intentional, but due to that reason as he was in custody in some another case.

Further more, as per the interim order dated 17.11.2015, the petitioner has already appeared before the trial Court and he has already been released on interim bail. Therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 17.11.2015 passed by this Court granting interim bail to the petitioner is made absolute.

December 9, 2015.

(Inderjit Singh)
Judge

hsp