

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-41218 of 2015 (O&M)
Date of decision: 07th December, 2015

Gurpreet Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Puja Chopra, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner has preferred the instant petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.101 dated 10.09.2013, registered at Police Station Ghagga, District Patiala, under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985.

Notice of motion.

On the asking of the Court, Ms. Simsi Dhir Malhotra, DAG, Punjab, has accepted notice on behalf of respondent(s)-State and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, this Court finds that the petitioner absented from the Court proceedings on 03.10.2015. At the time of arguments, learned counsel for the the petitioner contended that at

that time the petitioner was in custody in another FIR. Copy of application for seeking judicial remand (Annexure P-2) shows that the petitioner was in custody in case FIR No.240 dated 18.09.2015 on 03.10.2015 and he was granted bail vide order dated 23.10.2015 (Annexure P-3). Therefore, it is clear that the petitioner was in custody in another case and he has not absented from the Court proceedings on 03.10.2015 willfully.

Keeping in view the facts and circumstances of the present case, the instant petition is accepted. The petitioner is directed to appear before the learned trial Court within 10 days from today and on doing so, he shall be released on bail by the learned trial Court to its satisfaction.

07th December, 2015
mamta

(INDERJIT SINGH)
JUDGE