

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41621 of 2015

.....

Date of decision:9.12.2015

Jarnail Singh alias Jaila

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Ashok Giri, Advocate for the petitioner.

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

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.61 dated 29.5.2014 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
Bhogpur, District Jalandhar.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms. Simsi Dhir Malhotra, learned
Deputy Advocate General, Punjab has put in appearance and accepted
notice 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.

From the record, I find that in the present case, the accused/petitioner absented on 8.10.2015. His application for exemption from personal appearance was declined and non-bailable warrants were issued for 4.12.2015.

Learned counsel for the petitioner argued that the petitioner was ill on that day and medical certificate was also attached with the application, but the trial Court dismissed the application by stating that medical certificate is not issued by any competent doctor. Learned counsel argued that the petitioner was admitted in the Rehabilitation Centre on that day. Learned counsel for the petitioner also placed on record the certificate.

A perusal of the certificate shows that the present petitioner remained admitted in the Asra Foundation Drug Counselling and Rehabilitation Regd. Society from 15.9.2015 to till date i.e. 6.10.2015, when the certificate was given by them.

Keeping in view the facts and circumstances of the present case and the fact that the absence for non-appearance is not intentional but due to the reason that the petitioner was under the treatment for addiction with Asra Rehabilitation and Counselling Society, 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 petitioner is directed to appear before the trial Court

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within ten days from today. On doing so, he shall be released on bail by the learned trial Court to its satisfaction.

December 9, 2015.

(Inderjit Singh)
Judge

hsp