

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-41693 of 2015

.....

Date of decision:9.12.2015

Sukhwinder Singh alias Bunty

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Kanisth Ganeriwala, 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.102 dated 11.7.2014 registered for the offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Kotwali, District Kapurthala.

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 the petitioner absented from the Court proceedings on 17.8.2015 and his bail bond and surety bond were cancelled.

Learned counsel for the petitioner argued that the petitioner was already appearing before the trial Court and only on one date i.e. on 17.8.2015 due to illness he could not appear before the Court.

Keeping in view the fact that the present petitioner has absented only on one date and as stated by him he could not appear on that day due to illness, otherwise also, the recovery in the present case is only 7.5 grams of Smack, which is marginally higher than the small quantity, 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 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