

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

CRM-M-15559 of 2016 (O&M)

Date of decision : 17.8.2016.

Kamaljit Singh @ MP

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Anter Preet Singh, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by HC Hardev Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.131 dated 27.08.2014, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station Shimlapuri, District Ludhiana City.

Custody certificate has been filed in the Court, is taken on record.

The learned counsel for the petitioner contends that the petitioner being unwell had communicated to his counsel, however, the learned counsel did not file an exemption application. The petitioner was declared proclaimed offender without effecting appropriate service upon him. The quantity allegedly recovered from the petitioner is non-commercial.

On the other hand, the learned State counsel states that the petitioner is not involved in any other case under NDPS Act.

I have heard the learned counsel for the parties and perused the record.

In view of the facts that the petitioner is not involved in any other case under NDPS Act; the alleged quantity is non-commercial; and as per the custody certificate, the petitioner has suffered incarceration of 8 months and 11 days, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, on his furnishing heavy bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

17.08.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No