

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(211)

CRM-M-17953-2016 (O&M)

Date of Decision:-29.08.2016

Sanjeev Kumar @ Sonu

.....Petitioner

V/S

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Suram Singh Rana, Advocate,
for the petitioner.

Mr. Shailesh Gupta, Addl.A.G. Punjab.

A.B. Chaudhari, J. (Oral):-

CRM-24284-2016

Application is allowed and document Annexures P-3 and P-4
are taken on record.

CRM-M-17953-2016

Heard learned counsel for the rival parties. In the present
petition the petitioner seeks bail in case FIR No.207 dated 08.12.2014,
registered under Section 22 of NDPS Act, at Police Station Shimlapuri,
District Ludhiana.

Learned counsel for the petitioner has pursuant to the last order,
produced before me the order made by the trial Court on 14.01.2015 in B.A.
No.6671 of 2014, by which the petitioner was granted interim regular bail
subject to the receipt of the report of the Chemical Examiner. The petitioner
continued on bail, however, since he did not appear before the trial Court,
the trial Court made an order on 01.02.2016, issuing non-bailable warrants,
by cancelling bail. The trial Court observed that neither the accused

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integrity of this document

appeared nor applied for exemption from appearance and, therefore, the lower Court had no alternative except to cancel his bail. There is no other reason mentioned in the order. Now the learned State counsel states that the FSL report has been received and, therefore, petitioner would not be entitled to continue on bail. However, this issue has not been decided by the trial Judge. Therefore, this Court would leave it to the trial Court to decide, since the trial Court had itself granted interim regular bail subject to the receipt of the report from the Chemical Examiner. In that view of the matter the order dated 01.02.2016 is set aside. The petitioner to continue on bail on the same bail bonds.

The trial Judge will take a fresh decision, pursuant to the observations made in the earlier order in Para-5, qua receipt of the report from the Chemical Examiner after hearing all the concerned parties.

Disposed of.

August 29, 2016

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No