

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-21104 of 2016
Date of Decision: 13.07.2016

Gurpreet Singh @ Gora

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.03 dated 3.1.2014 under Sections 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar, Amritsar.

Learned counsel for the petitioner contends that the bail application filed by the petitioner was dismissed by learned Additional Sessions Judge, Amritsar vide order dated 29.4.2016, primarily on the

ground that the petitioner was declared as proclaimed offender on 30.1.2016. Learned counsel submits that earlier, the petitioner was granted interim bail vide order dated 30.5.2014. Since the petitioner met with an accident on 25.3.2015 and could not appear in Court on 26.3.2015, his bail was cancelled vide order dated 26.3.2015 itself. However, the petitioner surrendered before the Court on 16.3.2016. It is after 16.3.2016 the petitioner is in custody. Learned counsel submits that there is no other case against the petitioner and the allegation against him is that he was found in possession of 500 intoxicating tablets.

Learned State counsel, on instructions from ASI Rajinder Singh, submits that in the case in hand, the petitioner has intentionally absented himself, despite having the notice of appearance. He further submits that FSL report has been received, as per which, the tablets contained Alprazolam salt.

I have heard learned counsel for the parties.

Admittedly, initially the petitioner was on interim bail and since he failed to appear on 26.3.2015, on account of the fact that he met with an accident on 25.3.2015, the Court declared him proclaimed offender. It is not in dispute that before passing of the PO order dated 30.1.2016, the petitioner was on interim bail. The plea of the State counsel that the tablets recovered from the possession of the petitioner contained 100 gms salt of Alprazolam, brings out the case of the petitioner within non-commercial quantity.

Considering the fact that the trial will take sufficiently long time, the present petition is allowed. The petitioner is admitted on regular

bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Amritsar.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

July 13, 2016
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(HARI PAL VERMA)
JUDGE