

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-21649 of 2016

Date of Decision:-04.07.2016

Kuljit Singh @ Deepu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. S.K. Guleria, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of bail during the pendency of the trial to the petitioner in case FIR No. 67, dated 03.06.2015, for offence under Sections 22 of the NDPS Act, 1985, registered at Police Station, GRP Bathinda, Punjab.

Learned counsel for the petitioner contends that the petitioner was ordered to be released on bail vide order dated 02.12.2015 in view of Section 167 (2) Cr.P.C., as the prosecution has failed to produce the challan. However, on account of his absence from the Court proceedings on 19.05.2016, the bail was canceled and non-bailable warrants were issued against him. Thereafter, he surrendered before the Court on 21.05.2016.

Learned counsel for the petitioner further contends that on account of noting wrong date i.e. 20.05.2016 instead of 19.05.2016, he failed to appear on the date fixed which lead to issuance of non-bailable warrants. Moreover, the

petitioner himself has surrendered before the Court on 21.05.2016 and since then he is in custody.

It is the precise argument of counsel for the petitioner that for noting wrong date, the petitioner failed to appear before the Court on 19.05.2016 and there was no malafide intention on his behalf.

On the other hand, learned counsel for the State submits that the recovery effected from the petitioner is commercial one and he has intentionally absented from court proceedings.

I have heard learned counsel for the parties.

Taking into consideration the fact that the petitioner was already granted bail in the light of Section 167(2) Cr.P.C. and it is on account of noting wrong date, he absented from the Court, this Court finds that non-appearance on the part of the petitioner on the relevant date was not intentional.

Accordingly, the present petition is accepted and the petitioner is ordered to be released on regular bail, subject to his furnishing fresh bail/surety bonds to the satisfaction of the trial Court.

(HARI PAL VERMA)
JUDGE

July 04, 2016
Anjal