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

CRM-M-34542 of 2016

Date of decision: September 29, 2016

Raj Singh @ Raju

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Harpreet Singh Jakhal, Advocate
for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Ms. Rajni Gupta, Addl. AG
Punjab accepts notice on behalf of the State.

Rule. Heard forthwith learned counsel for the rival parties.

In FIR No.197 dated 17.08.2014, under Sections 15/61/85
of the Narcotic Drugs and Psychotropic Substance Act, 1985,
registered at Police Station Sadar Jalalabad, the petitioner was released
on bail by the trial Court. The challan was filed against the petitioner.

Learned counsel for the petitioner states that the petitioner
was released on bail but he has not placed on record the order granting
bail to the petitioner.

Be that as it may, having on bail, petitioner remained
absent on 10.08.2016 before the learned Special Court, Fazilka. The
case was called out several times but the petitioner remained absent
and the Court issued non-bailable warrants by cancelling the bail
bonds.

Learned counsel for the petitioner has invited my attention
to Para-2 of the petition and contended that on that date, namely
10.08.2016, petitioner could not attend the Court because he was

implicated in FIR No.26/16 registered against him on 13.07.2016 at Rajasthan.

I think the explanation tendered by the petitioner is satisfactory. Thus, the counsel for the petitioner states that hereinafter, the petitioner would appear before the trial Court promptly and would not make any default in appearances and would cooperate with the trial Court for completion of the trial. Accepting the statement, I think the petitioner should be given a chance to have liberty rather than pushing him in jail as he was on bail throughout.

In that view of the matter, I make the following order:-

- (i) Rule is made absolute,
- (ii) The order dated 10.08.2016 (Annexure P-3) passed by the Special Court, Fazilka is quashed and set aside. The petitioner to continue on bail on the same bail bonds till the trial is completed.
- (iii) Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

September 29, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No