

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-38917 of 2015

.....

Date of decision:8.8.2016

Rajpal

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. P.S. Paul, Deputy Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of bail in case FIR No.03 dated 5.1.2012 registered for the offence under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Sadar Sunam, District Sangrur.

Notice of motion has been issued in this case.

Mr. P.S. Paul, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that as per FIR, the present petitioner was apprehended and 2 kgs. opium was recovered. The petitioner was

granted regular bail by the trial Court, but he absented from the trial in the trial Court as he was arrested in another case on 20.2.2014 in Madhya Pradesh and due to his arrest, he could not appear before the trial Court. It is also argued that the petitioner was granted regular bail by Hon'ble High Court of Madhya Pradesh on 9.10.2015 in that case. As per the order dated 18.12.2015, the petitioner was granted the benefit of interim bail to the satisfaction of the trial Court.

Learned counsel for the petitioner has stated that the petitioner is regularly appearing before the learned trial Court since then.

The disposal of the case will take long time. Otherwise also, the recovery being non-commercial quantity, the benefit of regular bail has already been granted earlier to the petitioner and the petitioner has only absented from the proceedings being in custody in some another case, no useful purpose will be served by sending the petitioner to custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 18.12.2015 passed by this Court granting interim bail to the petitioner is made absolute.

August 8, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No