

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

CRM-M No. 44338 of 2015 (O&M)

Date of Decision: 14.01.2016

Gaganjeet Singh @ Gagandeep Singh @ Pinka

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Suresh Kumar Arya, Advocate
for the petitioner.

Mz. Rimplejeet Kaur, AAG, Punjab
for the respondent/State assisted by HC Rana Singh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No. 16, dated 12.04.2005, for offences punishable under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act and subsequent charge framed under Section 21 of Narcotic Drugs and Psychotropic Substances Act vide order dated 26.10.2005 by learned Judge Special Court, Amritsar, registered at Police Station 'D' Division, District Amritsar.

As per allegations, there was a recovery of 50 grams of smack from the present petitioner/accused. The said quantity concededly is non-commercial in nature.

It is submitted that the petitioner was enlarged on bail and he was granted a student visa to go to Australia, therefore, he was declared proclaimed offender on 01.11.2008. The petitioner is stated to have come back and surrendered on 17.12.2015 and is ready to face trial.

Learned State Counsel, assisted by HC Rana Singh, states that till now, only challan has been presented.

Learned counsel for the parties have been heard.

Although the conduct of the petitioner from abstaining the process of the Court is highly deplorable, however, keeping in view that the petitioner was a student and is willing to face trial, a lenient view is being adopted, concededly the recovery is of non-commercial quantity and the petitioner is not involved in any other case.

Without commenting on the merits of the case, keeping in view the peculiar facts of case and that the trial is not likely to conclude in near future, no useful purpose would be served by keeping the petitioner/accused in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

January 14, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**