

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

**CRM-M No. 4695 of 2016 (O&M)
Date of Decision: 03.05.2016**

Manmohan Singh alias Mohna

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by HC Sukhwinder Singh.

JASWANT SINGH, J. (ORAL)

CRM No. 7834 of 2016

Prayer in the present application is for placing on record the documents i.e. newspaper cuttings dated 14/15.10.2015 as Annexure P-3 (colly).

For the reasons stated in the application, the same is allowed and the document as Annexure P-3 is taken on record.

MAIN CASE

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner/accused-Manmohan Singh alias Mohna in case FIR No. 92, dated 09.06.2013, for the offences punishable under Sections 22/61/85, NDPS, Act, registered at Police Station City Moga.

There was a recovery of 1000 capsules and 500 grams of intoxicating powder from the possession of the petitioner.

The petitioner was released on default regular bail under Section 167 (2) Cr.P.C. on 11.12.2013. For his solitary non-appearance

on 15.10.2015 during the trial, his bail bonds were cancelled and non-bailable warrants were issued.

It is contended that the solitary absence of the petitioner was *bona fide* and unintentional and due to unavoidable circumstances, as there was a widespread *Bandh* existing in the State due to widespread agitation on account of desecration of *Holy Guru Granth Sahib*, reference is made to news items as **Annexure P-3**. It is also contended that the petitioner himself surrendered on 26.10.2015.

Learned State Counsel, assisted by HC Sukhwinder Singh, does not dispute the fact of blockage of road and the agitation around the city of Moga, however submits that the seized quantity is commercial in nature, therefore no case for grant of bail to the petitioner is made out.

After hearing learned counsel for the parties, no doubt the quantity involved is commercial in nature, however, the petitioner already stood released on regular bail, his bail bonds were cancelled due to solitary absence on 15.10.2015 which transpires to the *bona fide* and for reasons beyond his control. Therefore, on that account, the petitioner does not deserve to be penalized. It is conceded position that he is not involved in any other criminal case.

Without commenting on the merits of the case, keeping in view the totality and peculiar circumstances, 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.

May 03, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**