

212

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

**CRM-M No. 14829 of 2017
Date of Decision: 16.05.2017**

Gurcharan Singh @ Kikki @ Karan

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. L.S. Lakhanpal, Advocate,
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 12 dated 07.03.2015, registered under Sections 22, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the N.D.P.S. Act) at Police Station Gardhiwala, District Hoshiarpur.

The petitioner was granted bail under Section 167 (2) Cr.P.C., vide order dated 07.10.2015, and thereafter, the

petitioner absented from the Court on 23.08.2016, resulting in cancellation of his bail. The bail bonds and surety bonds were forfeited to the State. 150 grams of intoxicant powder was allegedly recovered from the petitioner.

Learned counsel for the petitioner submitted that since the petitioner was arrested in a case under Section 379 I.P.C., therefore, he could not appear in the trial Court on 23.08.2016.

The alleged recovery effected from the petitioner was ultimately found to be containing Alprazolam, which is covered under Column No. 30 of the Schedule appended to the N.D.P.S. Act and is also covered under Schedule 'H' of the Drug and Cosmetics Act, as per recommendations of the Review Committee.

Since the petitioner was granted bail and the violation of terms and conditions is attributable to the arrest of the petitioner in some other case, therefore, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing heavy bail bonds/ surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 16, 2017

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No