

225

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

CRM-M-18136 of 2017 (O&M)

Date of decision: July 13, 2017

Davinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. A.G.S. Dhillon, Advocate for the petitioner.

Ms. Samina Dhir, DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.93 dated 08.06.2013, under Sections 22, 61, 85 of Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Urban Estate, Patiala.

The petitioner was arrested and was released on regular bail on 19.12.2013 by the trial Court. He was in possession of 500 grams of diphenoxylate powder. The petitioner was absent before the trial Court on 27.02.2017 and as such obstructed the trial before the trial Court. The petitioner having come to know about the coercive action that could be taken by the trial Court, made an application on 08.05.2017 before the trial Court for surrendering and had actually surrendered on 04.05.2017.

Learned State counsel, on instructions from Head

Constable Charanjit Kumar, fairly states that there is no other case of similar or any other kind against the petitioner. In my opinion, since the petitioner was already on regular bail and had absented, a chance need to be given to him for being at liberty to face the trial instead of pushing him in jail.

In that view of the matter, this petition is allowed. Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not make any default in appearance before the trial Court and shall cooperate with the trial Court for expeditious disposal of the trial. Liberty in favour of the trial Court to take the petitioner in custody in case of default in appearance. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

July 13, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No