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

CRM-M-20579 of 2017

Date of decision: June 02, 2017

Balwinder Singh @ Babba

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Mrs. Rajni Gupta, Addl. AG
Punjab accepts notice on behalf of the State.

Rule. Heard forthwith with the consent of learned counsel
for the rival parties, for final disposal in view of the peculiar facts of the
case.

This is a petition for grant of anticipatory bail to the
petitioner in FIR No.89 dated 15.10.2014, under Sections 21, 22, 61, 85
of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered
at Police Station Tarsikka, District Amritsar.

In FIR in question, the petitioner was granted interim bail by
order dated 04.04.2015 by the trial Court. The petitioner was thus, on
bail since 04.04.2015. It appears that the challan was not filed for a
period of 2 years and finally on 12.05.2016, the challan was filed with
the trial Court by the police while the petitioner was on interim bail.

After filing of the challan on 12.05.2016, the same was not served on the

petitioner, but the challan was perhaps served on the father of the petitioner as observed by the trial Court in Para 7 of the impugned order. The Court found attribution of knowledge to the petitioner about presentation of challan and therefore, expected that the petitioner ought to have appeared in the Court. In my opinion, the challan should have been served on the petitioner rather than on his father and such attribution of knowledge cannot be made. Be that as it may, since the petitioner was at liberty for over a period of 2 years, there is no point in keeping him behind the bars as under trial.

In that view of the matter, in the event of arrest, the petitioner shall be released on anticipatory bail on his furnishing bail bonds amounting to ₹10,000/- with one surety of like amount, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned who may impose such conditions as deem fit and proper. Petitioner shall join trial regularly. Petitioner shall continue to be on bail during trial. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses. Petitioner shall not main any default in appearance before the trial Court and will appear with promptitude.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

June 02, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No