

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-32986 of 2017

.....

Date of decision:9.11.2017

Kuldip Singh alias Kipa

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Rajesh K. Dadwal, Advocate for the petitioner.

Ms. Simranjeet Kaur, Assistant Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. read with Section 438 Cr.P.C. for quashing of the order dated 4.8.2017 (Annexure-P.2) issued by the learned Special Judge, Hoshiarpur, whereby the bail bond/surety bond of the petitioner were forfeited and non-bailable warrants were issued due to non-appearance of the petitioner before the trial Court in FIR 118 dated 9.10.2015 registered at Police Station Bullowal for the offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') and he has further prayed for direction to the learned trial Court to accept the bail bond and surety bond of the petitioner.

Learned counsel for the petitioner does not want to press the petition qua quashing of the order dated 4.8.2017 and only presses for the relief of anticipatory bail.

Notice of motion has been issued in this case.

Ms. Simranjeet Kaur, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that the present petitioner has absented from the Court proceedings and his bail bond/surety bond were forfeited and non-bailable warrants were issued against him and he was directed to surrender before the trial Court. The petitioner has already appeared before the trial Court in pursuance of the order dated 7.9.2017 passed by this Court granting interim bail and he has been released on bail by the trial Court. The petitioner has only to face the trial. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; I find merit in this petition and the same is allowed. The interim order dated 7.9.2017 passed by this Court granting interim bail to the petitioner is made absolute.

November 9, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No