

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 34152-2017

Date of Decision: 12th October, 2017

SUKHDEV SINGH ALIAS KADU

...Petitioner

V/S

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Punjab.

SUDIP AHLUWALIA, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.15 dated 04.03.2015 registered under Sections 21/22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Mehta, District Amritsar.

The petitioner was arrested in this case on 09.06.2017. He was originally on interim bail as FSL report in the case had not been received. Subsequently challan was submitted after receipt of FSL report but the petitioner absented from proceedings. His contention in this regard was that he was not aware about submission of the challan and received no communication to the effect that he had to appear again or surrender in Court. He was subsequently declared Proclaimed Offender and his bail application was rejected by the Ld. Trial Court, considering his overall conduct.

It has been stressed on behalf of the petitioner that his omission to appear in the Ld. Trial Court after submission of challan is actually not intentional

inasmuch as, no notice was served upon him. Undisputably no other case under the NDPS Act was ever started against the petitioner. The recovery of contraband from him was slightly above the commercial limit and he has already undergone detention in excess for four months after his re-arrest in the case.

In the circumstances, the petitioner may be released on fresh bail bonds to the satisfaction of Trial Court/Area Magistrate concerned, subject to imposition of appropriate terms and conditions.

(Sudip Ahluwalia)
Judge

12.10.2017

Nisha

Whether speaking/reasoned: **Yes/No**

Whether Reportable: **Yes/No**