

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

**CRM No.M-4481 of 2017 (O&M)
Date of Decision: 05.04.2017**

Sukhwinder Singh @ Kinder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Himanshu Puri, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.87, dated 25.05.2014, under Sections 15/18/21/22/61/85 of the NDPS Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

On 22.02.2017, this Court had taken notice of certain undisputed facts that recovery had not been effected from the present petitioner and that he having already joined investigation in the matter had been granted benefit of bail but such concession was forfeited as he had not appeared on the date of presentation of the challan.

Contention of the counsel for the petitioner had been noticed that non-appearance before the trial Court on the date in question was on account of bonafide reasons.

During the course of hearing today, it stands conceded that the petitioner has already appeared before the trial Court on 28.02.2017 and has been admitted to interim bail to the satisfaction of the trial Court.

Even with regard to the statement having been made by the State counsel on the last date of hearing i.e. on 23.03.2017 that the petitioner stands convicted in FIR No.42, dated 19.03.2012, under Sections 22/61/85 of the NDPS Act and having been awarded sentence of 10 years RI, it stands clarified that infact conviction was of Pritpal Singh @ Pankaj whereas the present petitioner has been found innocent during the course of investigation.

Under such circumstances, prayer made in the present petition is accepted. Order dated 22.02.2017 passed by this Court is made absolute

Disposed of.

05.04.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |