

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

205

**CRM-M No. 16085 of 2018
Date of Decision: 27.4.2018**

BANGALI @ SHEETAL KUMAR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Sahil Puri, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.155 dated 27.5.2014, registered under Sections 20/21/22/61/85 of the N.D.P.S. Act at Police Station City, District Kapurthala.

Petitioner was granted bail under Section 167 (2) Cr.P.C. Thereafter, he appeared before the trial Court on 25.8.2017. The case was adjourned for 2.9.2017 i.e. the day which was declared as holiday. As per stand taken by the petitioner, he noted the date as 15.9.2017 instead of 4.9.2017. On 4.9.2017, due to non appearance of the petitioner, his bail was cancelled and bonds were forfeited to the State. Thereafter, petitioner filed CRM-M No. 37499 of 2017 on

29.9.2017. The said petition was disposed of vide order dated 28.11.2017 with a liberty to the petitioner to surrender before the trial Court and apply for bail. Petitioner was declared as proclaimed offender on 30.12.2017. He was arrested on 2.1.2018. In compliance to order dated 28.11.2017, petitioner filed a petition under Section 439 Cr.P.C. before the Judge, Special Court, Kapurthala and the same has been declined vide order dated 6.4.2018.

Learned counsel for the petitioner submitted that since the petitioner was on bail in terms of Section 167 (2) Cr.P.C., therefore, absence on 4.9.2017 was not on account of any willful absence, rather the same was due to wrong recording of date as 15.9.2017. Thereafter, CRM-M No.37499 of 2017 was promptly filed in which liberty was granted to the petitioner to apply for regular bail.

Learned State counsel, on instructions from ASI Baldev Singh, vehemently contended that the initial grant of bail under Section 167 (2) Cr.P.C. became infructuous after the arrest of the petitioner on 2.1.2018 on the basis of his status being that of proclaimed offender. The recovery is of 260 grams of intoxicating powder which on being analysed was found to be containing Alprazolam.

Taking into consideration the earlier bail granted to the petitioner and liberty granted by this Court to apply for regular bail in CRM-M No. 37499 of 2017, I deem it appropriate to grant benefit of regular bail to the petitioner.

Accordingly, this petition is allowed. Let the petitioner be enlarged on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 27, 2018.

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No