

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-24059-2018

Date of decision: 30.07.2018

Kimti Lal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Subhash Kumar, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 439 Cr.P.C., petitioner-Kimti Lal, has prayed for grant of regular bail in FIR No. 127 dated 27.05.2015 (Annexure P-1), registered under Section 22 of the NDPS Act (Section 29 of the NDPS Act was added later on) at Police Station Shahkot, District Jalandhar (Rural).

2. According to the prosecution, the petitioner was found in conscious possession of 120 grams powder containing salt 'Alprazolam' without any permit or licence. The said recovery falls under commercial quantity. Perusal of the file shows that earlier the petitioner was granted bail under Section 167 (2) Cr.P.C. vide order dated 24.11.2015. Thereafter, he absented during trial on 23.01.2018. Resultantly, his bail bonds and surety bonds were forfeited to the State and his non-bailable warrants were issued vide order dated 23.01.2018 (Annexure P-2).

under Section 167 (2) Cr.P.C. vide order dated 24.11.2015, the petitioner is regularly appearing before the trial Court. Absence of the petitioner on 23.01.2018, is not intentional or willfull. In fact, after 29.11.2017, the case was taken up on 22.01.2018, which was declared holiday. Thereafter, the case was taken up on 23.01.2018. Learned counsel for the petitioner before the trial Court did not intimate the petitioner about the change of date. Thereafter, the petitioner surrendered before the trial Court on 20.04.2018 and since then he is in custody. The conclusion of trial shall take a long time. No useful purpose would be served by detaining the petitioner in jail.

4. On the other hand, learned State counsel vehemently opposed the prayer for grant of regular bail to the petitioner.

5. I have given anxious consideration to the submissions made by learned counsel for the parties.

6. Considering the overall facts and circumstances, but without expressing any opinion on the merits of the case, the instant petition is allowed. Petitioner-Kimti Lal, is ordered to be released on regular bail pending trial, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

July 30, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No