

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30398-2018 (O&M)

Date of decision: 15.11.2018

GURMIT @ KHANNA

.....Petitioner

versus

STATE OF PUNJAB

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Divjyot S. Sandhu, Advocate for the petitioner
Mr.Sunint Kaur, AAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

270 grams intoxicating powder alleged to have been recovered from the petitioner for which petitioner was convicted and sentence under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985

Learned counsel for the petitioner contends that the petitioner was granted bail under Section 167(2) Cr.P.C. on the ground that the challan was not presented within the stipulated period. Petitioner absented from the trial on 22.8.2017 and was arrested on 19.12.2017. It is contended that father of the petitioner was ill and died on 14.12.2017.

I am of the view that it is not justification for absenting from 22.8.2017.

If Petitioner had some problem, he could have moved

application for same which was not moved. The concession under Section 167(2) Cr.P.C. Is only one time concession and does not extend to whole of the trial. Since, recovery is commercial, in view of bar under Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 there is no ground to grant bail.

The present petition stands dismissed accordingly.

15.11.2018*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No