

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

CRM-M-43403 of 2018 (O&M)

Date of decision: 16.11.2018

Sagar @ Ajju

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanjeev Banga, Advocate for the petitioner.

Mr. A.S.Sandhu, Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.13 dated 11.2.2015 under Sections 21 and 22 of NDPS Act registered at Police Station D Division, District Amritsar.

It may here, however, be mentioned that although the FIR was registered for offences under Section 21 and 22 of NDPS Act but charges have been framed in respect of offence under Section 25-A of NDPS Act. It is the case of prosecution that the petitioner was found in possession of 260 grams of intoxicating powder which upon chemical analysis was found to be '*Pseudoephedrine Hydrochloride*'. The petitioner had been granted interim bail. However, the petitioner absented on 8th March, 2017 and it was after about 4 months i.e. on 19.7.2017 that he was arrested again. The learned counsel submits that it was on account of some mental depression that the petitioner did not appear and absented himself from the Court proceedings.

On the other hand, the learned State counsel has submitted that there is no evidence on record to show that the petitioner was under any kind of mental depression and since the petitioner had misused the

concession of interim bail, he is not entitled to grant of regular bail.

I have considered the rival submissions addressed before this Court.

A perusal of Section 25-A of NDPS Act shows that the offence is punishable with rigorous imprisonment which may extend to 10 years and fine which may extend to ₹ 1 lac but no minimum imprisonment or minimum fine has been prescribed therein.

Although, this Court is not inclined to accept the contention of the petitioner that he was under mental depression leading to his absence from the Court but at the same time it needs to be borne in mind that after his rearrest on 19.7.2017 he has been behind bars since the last more than 1 year and 4 months. Such kind of detention would furnish sufficient deterrent to the petitioner to be more careful in future.

Having regard to the facts and circumstances of the case, the petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. However, it is made clear that in case the petitioner ever misuses the concession of bail or absents himself from proceedings of the trial, it shall be open to the prosecution to move for cancellation of bail of the petitioner-Sagar @ Ajju.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

16.11.2018
kamal

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No