

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-47816-2018

Date of decision: 02.11.2018

Davinder Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner-Davinder Kumar, in case FIR No. 40 dated 10.05.2015 registered under Section 61 of the Punjab Excise Act, 1914 and Section 22 of the NDPS Act at Police Station Division No. 3, Ludhiana.

The petitioner is facing trial in the aforesaid FIR, for keeping in conscious possession of 82 bottles of liquor of three different brands and 100 grams of powder containing salt Diphenoxylate Hydrochloride.

During trial, the petitioner absented on 11.07.2018, therefore, he was ordered to be summoned through non-bailable warrants. Consequently, the petitioner approached this Court vide CRM-M-44606-2018, for grant of anticipatory bail which was disposed of vide order

dated 09.10.2018, directing the petitioner to surrender before the trial Court, within a week, with direction to the trial Court to decide his bail application, if any, within three days.

Learned counsel *inter alia* contends that in compliance to the aforesaid order, the petitioner had surrendered before the trial Court on 15.10.2018. However, his bail application has been rejected. Petitioner undertakes that he shall appear on each and every date of hearing, before the trial Court without fail and would not remain absent even on single date in future during the pendency of trial, if, he is released on bail. Petitioner is in custody since 15.10.2018. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel vehemently opposed the above submission of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Davinder Kumar, is ordered to be released on bail pending trial, on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

However, it is clarified that this order shall not be an embargo in conducting the proceedings against the petitioner under Section 446 Cr.P.C., by the trial Court.

November 02, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No