

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6102-2019 (O&M)

Date of Decision:-13.2.2019

Balvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.136 dated 8.10.2018 registered at Police Station City Rampura, District Bathinda under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The learned counsel for the petitioner has submitted that the petitioner had initially moved an application under Section 439 Cr.P.C. seeking grant of regular bail before the Court of Special Judge, Bathinda but the same was dismissed vide order dated 8.1.2018 (Annexure P-3).

A perusal of the order dated 8.1.2018 (Annexure P-3), however, shows that the learned trial Court has proceeded with the matter as if it was dealing with an application for grant of anticipatory bail, whereas the petitioner was in custody.

The matter, as such, is remanded back to the trial Court to decide the same afresh. The officer concerned is directed to be more careful in future.

The present petition is disposed of with aforesaid direction.

Needless to mention, the petitioner would be at liberty to approach this Court again, if need arises.

13.2.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No