

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

**CRM-M-10958 of 2019 (O&M)
Date of Decision: 01.04.2019**

Gurdeep Singh @ Deepa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Suram Singh Rana and Mr.Akshay Rana, Advocates
for the petitioner.

Mr.Karanbir Singh, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed seeking regular bail in case FIR No.184 dated 6.7.2014 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Phillaur, District Jalandhar.

Allegations in the FIR are that when ASI Dilbag Singh along with police party was on routine patrol duty, they apprehended accused Harbans Lal near the area of DAV Public School, Phillaur. 292 grams intoxicant powder (Alprazolam) was recovered from him. During interrogation, he disclosed that Gurdeep Singh (petitioner) had supplied the said intoxicant to him. Accordingly, the petitioner was cited as an accused and arrested in the case.

The petitioner was granted bail under Section 167(2) CrPC. He failed to appear before the Court on 19.5.2017. A notice was sent to him to appear in Court. The notice was received back with the report that he was not residing at the given address. On 5.7.2017, the bail granted to the petitioner was cancelled.

Learned counsel for the petitioner states that the petitioner had been

arrested in case FIR No.151 dated 15.5.2017 under Sections 22 of the NDPS Act,

registered at Police Station Phillaur. It was for that reason that the petitioner could not appear before the Court. He has since been acquitted in the said case vide judgment dated 25.10.2018 of the learned Judge, Special Court, Jalandhar. A copy of the same has been placed on record.

A perusal of the judgment reveals that the petitioner was arrested on 15.5.2017 and he remained in custody in that case till the judgment was pronounced on 25.10.2018. It is for that reason that the petitioner could not appear before the Court on the date fixed.

As per Section 167(2) CrPC every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter.

The bail granted to the petitioner was cancelled for his failure to appear before the Court on 19.05.2017. The petitioner has explained the reason for his non-appearance which is also borne out from the record. There does not appear to be any intentional default on the part of the petitioner.

Accordingly this petition is allowed.

The petitioner is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

April 01, 2019

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(**HARINDER SINGH SIDHU**)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No