

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

CRM-M No.15967 of 2019 (O&M)

Date of Decision: 15.07.2019

Rajinder Singh @ Japson Matak

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Akshay Rana, Advocate for the petitioner.

Mr. Venu Gopal Jauhar, Sr. DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case FIR No.33 dated 04.05.2015, under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotfatta, District Bathinda.

Contentends that petitioner was granted bail pending trial under the provisions of Section 167(2) Cr.P.C. in the month of January, 2016 and since then, he was regularly appearing, but on account of his non-appearance on 06.02.2019; 08.02.2019 and 16.02.2019, his bail bonds/surety bonds have been cancelled and forfeited to State and arrest warrants have been issued while passing the impugned order dated 16.02.2019 (P-5).

The above factual position is duly acknowledged by learned State Counsel on instructions from the police official present in the Court.

The sole contention of learned Counsel for the petitioner is that since there was a curfew in Jammu & Kashmir due to terrorists attack in Avantipura, petitioner was not able to move and his non-appearance on 06.02.2019; 08.02.2019 and 16.02.2019 was not intentional, but the same was beyond his control. Since there is no other case pending against the petitioner and he was regularly appearing before learned trial Court, there is no justification to keep the petitioner behind the bars any more. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

July 15, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No