

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-26920 of 2019(O&M)
Date of Decision: 15.07.2019

Kulwinder Singh @ Budy		...Petitioner
	Versus	
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Narinder S. Lucky, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab

Amol Rattan Singh, J. (Oral)

By this petition, filed under Section 439 Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Learned counsel for the petitioner submits that the petitioner having absented himself from appearing before the trial court only on one date, his bail bonds were ordered to be cancelled, upon which he filed CRM-M-22893 of 2019 before this Court, which was disposed of on May 20, 2019, with the following order passed:-

“Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case FIR no.122 dated 20.06.2015, under Section 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Goraya, District Jalandhar.

Heard.

The petitioner is directed to appear before the trial court within a week from today and his bail application, if any, shall be decided

on merit, within next 3 days.

However, it is clarified that this order shall not be an embargo for the trial court to proceed against the petitioner under Section 446 Cr.P.C.

Disposed of.”

Thereafter, the learned trial court has however dismissed his application for bail on the ground that the quantity of Alprazolam recovered from the petitioner is of 110 grams, that being commercial quantity.

Learned State counsel, on instructions from ASI Gurdev Singh, does not deny that the petitioner absented himself only on one date.

He has also submitted a custody certificate in Court today, showing that there is no other criminal case registered against the petitioner, with him having remained in jail for about 8 months.

Keeping in view the fact that the quantity of the contraband stated to have been recovered from the petitioner is only marginally above the commercial quantity and there is no other case registered against the petitioner, I deem it appropriate to admit him to bail during the pendency of the trial.

Consequently, without making any comment on the actual merit of the case, for or against the petitioner, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

15.07.2019
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(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no