

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

CRM-M No. 34895-2019

Date of decision: - 08.11.2019

LAXMAN SINGH ALIAS LACHMAN SINGH @ LACHU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R. K. Sandhu, Advocate for
Mr. K.S. Dhillon, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.
ASI Jaswant Singh.

HARNARESH SINGH GILL, J. (ORAL)

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 117 dated 05.06.2018 registered under Section 20 of NDPS, 1985, at Police Station City Kapurthala, District Kapurthala, Punjab.

Learned counsel for the petitioner states that vide order dated 29.09.2018, the petitioner was granted interim bail, and he was appearing before the Court on each and every date. On 08.04.2019, he appeared before the Court but could not mark his attendance and noted next date of hearing as 05.07.2019 and non-bailable warrants were issued. Thereafter, on 09.07.2019, he surrendered before the Court and moved an application under Section 439 of Cr.P.C. for grant of regular bail, which was dismissed vide order dated

16.07.2019 stating that the petitioner was found in conscious possession of 2.5 Kgs. of Ganja, which falls within commercial category.

Learned counsel for the petitioner states that non-appearance of the petitioner at a particular date was not intentional and has been appearing in the case regularly. Moreover, the contraband alleged to be commercial quantity by the by the learned trial Court, is not commercial quantity.

On the instruction from ASI Jaswant Singh, learned State counsel stated that the petitioner does not deserves the concession of bail.

In view of the above, without commenting anything on the merits lest it should prejudice the case either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

08.11.2019

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No