

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43236-2019

Date of Decision: 18.10.2019

Chhinder Singh alias Chinda

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

Mr. B.S. Sewak, Addl. A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that the factum of him not having been served the notices/summons/warrants ordered to be issued by the trial Court in the “present case”, i.e. FIR No. 81 dated 15.06.2017, can be seen from the fact that in the same Court, i.e. the Sessions Court Moga, the petitioner was regularly appearing as an accused in FIR No. 36 of 2016, alleging therein the commission of an offence punishable under Section 379 of the IPC and therefore there would be no reason for him to be absconding in the very same Court complex in another case, if he knew that summons had been issued to him in that case.

He next submits that in fact the petitioner had been admitted to anticipatory bail, and he did not appear before the trial Court on account of the fact that he did not know (as contended) that the '*challan*' had been presented against him in the trial Court.

Other than that, he submits that the petitioner was named in the present case as an accused by the person from whom 25 grams of heroin are stated

to have been recovered (as per the case of the investigating agency), which is a non-commercial quantity.

Without making any comment on the actual merits of the case for or against the petitioner, in view of the fact that the quantity of heroin stated to have been recovered from the co-accused is well below commercial quantity, also keeping in view the aforesaid circumstances, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the complete satisfaction of the learned trial Court.

October 18, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.