

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21566-2020 (O&M)

Date of Decision:-29.10.2020

Lakha Singh @ Isharpal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by Paramjit Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-23959-2020

In view of the reasons mentioned in the application, the same is allowed and the document annexed with the application is taken on record as Annexure P-1.

CRM-M-21566-2020

1. The petitioner has approached this Court seeking grant of regular bail in respect of a registered vide FIR No.0067 dated 11.11.2015 at Police Station Balianwali, District Bathinda under Sections 22 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The allegations, in nutshell, against the petitioner are that he was found in possession of 12 vials of intoxicant 'Codimax' weighing 100 ml. each.

Although the recovered quantity would fall in the category of commercial quantity but the petitioner had been enlarged on bail by the Trial Court vide order dated 25.2.2016 (Annexure P-1) passed by learned Judge Special Court (Fast Track Court), Bathinda. However, on account of absence of the petitioner before the Trial Court on 8.5.2019, his bail was cancelled.

3. The learned counsel for the petitioner has submitted that the absence of petitioner before the Trial Court in the month of May, 2019 was the first instance of default on his part and that, in any case, after his rearrest in February, 2020, he has been behind bars since 8 months.
4. Opposing the petition, the learned State counsel has submitted that since no justifiable reason is forthcoming for absence of the petitioner and since the petitioner happens to be involved in one more case under NDPS Act, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner has been behind bars since the last about 8 months after he was rearrested, this Court is of the opinion that the said period would serve sufficient deterrent to the petitioner to be more careful in future. As such, while taking a lenient view in the matter, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No