

**IN THE COURT OF JASWINDER SINGH,
JUDGE, SPECIAL COURT, GURDASPUR**

**Bail Appl. No.69 of 31/01/2022
CIS No.BA/279/2022
CNR No. PBGD01-000619-2022
Date of Decision: 03/02/2022**

Sonu @ Battery son of Satpal, resident of Gandhi Camp, Tehsil Batala,
District Gurdaspur.

.....Petitioner.

Vs.

State of Punjab

.....Respondent

FIR No.236 Dated 28/10/2018
Under Section 22 of NDPS Act
Police Station:- Civil Lines, Batala.

First bail application under Section 438 Cr.P.C.

Present: Shri Ajay Lahoria, Advocate, counsel for petitioner.
Shri B.K. Mahla, Ld. Additional P. P for State

ORDER

1. This order of mine shall dispose of above mentioned bail application moved by petitioner under Section 438 Cr.P.C.

2. The case of the prosecution is that on 28.10.2018, at about 5.30 P.M, in the area of Pull Drain, Jhariwala, Batala, 55 intoxicating tablets were recovered from petitioner. He was arrested. Thereafter, he was released on bail by the Court of Shri Gurjant Singh, the then Learned Judge, Special Court, Gurdaspur vide order dated 04.01.2019. After completion of investigation, challan was

presented in the court. While the case was pending for prosecution evidence, petitioner absented from this Court on 25/01/2022, so his bail order was cancelled and bonds were forfeited to State and he was summoned through non-bailable warrants.

3. It is submitted by learned counsel for petitioner that petitioner had come to the Court on 25.01.2022 but he was not allowed to enter in the Court premises as he had not received second dose of covid vaccine. The counsel for petitioner was also not available as his father was admitted to Fortis Escort Hospital, Amritsar. The absence of petitioner before the court was not intentional. He is ready to face trial, so he may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Additional Public Prosecutor that the petitioner intentionally absented from learned trial court in order to delay the proceedings, so the present bail application is liable to be dismissed.

5. I have heard the arguments of learned counsel for petitioner as well as of learned Additional Public Prosecutor for State and have perused the record.

6. Petitioner absented from the court on 25/01/2022. The perusal of record shows that petitioner is not a habitual absentee. Conclusion of trial shall take sufficient long time and no purpose would be served by sending him behind the bars. In view of above

facts and circumstances, present application is hereby allowed and the petitioner is directed to surrender before this court within 15 days and to furnish bail bonds in the sum of ₹ 50,000/- with one surety in the like amount, subject to the following conditions:-

- i. That he shall not leave the country without prior permission of the Court;
- ii. That he shall not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the Court or police;
- iii. That he shall regularly appear before the court.

Record of this bail application be attached with the main file.

Pronounced
Dated:03/02/2022.

Gurpreet Singh Stenographer-II

(Jaswinder Singh)
Judge, Special Court,
Gurdaspur.

Present: Shri Ajay Lahoria, Advocate, counsel for petitioner.
Shri B.K. Mahla, Ld. Additional P. P for State

Arguments heard. Vide my separate detailed order of even date, bail application has been allowed, subject to the detail mentioned therein. Record of this bail application be attached with the main file.

Pronounced
Dated:03/02/2022
Gurpreet Singh Stenographer-II

(Jaswinder Singh)
Judge, Special Court,
Gurdaspur.