

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

**CRM-M No.26537 of 2015 (O&M)
Date of Decision: 24.02.2016**

Nikka Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Surjit Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Nikka Singh in case FIR No.63 dated 22.07.2010, under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered with Police Station Dayalpura, District Bathinda.

There is a alleged recovery of 35 Kgs. of *Poppy Husk* in each of 24 bags seized from the truck while non-applicant/co-accused Chhinder Pal Singh was apprehended, the petitioner/accused-Nikka Singh is alleged to have fled away. The quantity seized is concededly commercial in nature.

The petitioner was declared a proclaimed offender on 03.03.2011 while other co-accused were convicted, vide judgment dated 03.04.2012. The petitioner was arrested on 12.08.2014 and, therefore, the prayer is for grant of regular bail on account of period of custody.

Learned State Counsel, assisted by ASI Surjit Singh, points out that only 03 prosecution witnesses remain to be examined. She further states that the petitioner having been declared a proclaimed offender and evaded the arrest for such a longer time is not entitled to the concession of bail, more so in a case of commercial quantity.

Without commenting on the merits of the case, keeping in view the commercial quantity of the contraband seized and the fact that the petitioner was declared proclaimed offender, no case for grant of regular bail is made out.

Accordingly, the present petition is dismissed. However, it is hoped that the prosecution would conclude its evidence at the earliest.

February 24, 2016
Gagan

(JASWANT SINGH)
JUDGE