

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

**CRM-M No.37100 of 2016 (O&M).  
Date of Decision: 08.12.2016.**

Surjit Singh alias Sita

....Petitioner.

VERSUS

State of Punjab

....Respondent.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Ashok Giri, Advocate for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab.

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**SNEH PRASHAR, J.**

**CRM-38500-2016**

The document Annexure-P7 is taken on record, subject to all just exceptions and application stands disposed of.

**CRM-M-37100-2016**

The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail in case based on First Information Report No.69 dated 31.05.2013 under Section 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act of 1985") registered at Police Station Mehatpur, District Jalandhar City.

Learned State counsel filed affidavit of Sh. Karanjit Singh Sandhu, P.P.S. Deputy Superintendent Maximum Security Jail, Nabha giving details of custody of the petitioner. The same is taken on record.

Learned counsel for the petitioner submits that the allegation against the petitioner was that he was sitting beside the driver of Innova white coloured vehicle which did not stop on signal by the police when the driver of the Innova black coloured vehicle, going ahead of the car in which the petitioner was travelling, had been apprehended and recovery of some incriminating material had been made from him. One of the co-accused namely Dilabg Singh, who was allegedly seen sitting beside the petitioner, was allowed concession of anticipatory bail by this Court vide order dated 21.08.2013. The other co-accused Boota Singh, who was allegedly travelling in the black Innova vehicle and had managed to escape when the car was stopped, was allowed concession of anticipatory bail by this Court vide order dated 13.12.2013. The third co-accused Kuldeep Singh alias Keepa, who was initially not arrested at the spot, was lateron arrested and was allowed concession of regular bail by this Court vide order dated 25.10.2013. The police presented challan against five co-accused of the petitioner. Except for the accused namely Jaswant Singh, who was arrested at the spot, all other accused have since been acquitted by learned trial Court vide judgment dated 02.06.2015.

Learned counsel for the petitioner further submits that the petitioner was arrested by the police in case based on First Information Report No.88 dated 17.07.2013 under Section 15 of the Act of 1985 registered at Police Station Bilga, District Jalandhar on 23.08.2014. The fact that he was in custody was very much in knowledge of the police and the prosecution, but he was not taken in custody in the present case and was declared proclaimed offender by learned trial Court on 02.06.2015 whereas

that the order declaring the petitioner as proclaimed offender was illegal and against actual facts, learned counsel prayed that the petitioner be enlarged on regular bail.

The petitioner has placed on record copy of memo of arrest-cum-intimation prepared by ASI Saravjit Singh on 23.08.2014 at the time of arrest of the petitioner in case based on First Information Report No.88 dated 17.07.2013. The said document prima facie supports the contention of the petitioner that he was in custody in another case when on account of his absence in the instant case he was declared proclaimed offender. On the very date of his arrest, the police should have immediately produced him before the Court where the instant case was pending so that he could have been taken in custody in this case and could have faced trial alongwith his co-accused.

In view of the above facts and circumstances and without going into the merits, as the trial is still likely to take some time to complete and there is no plausible ground to detain the petitioner further in custody, he is ordered to be released on regular bail during pendency of the trial, on his furnishing bail/ surety bonds to the satisfaction of learned trial Court, subject to the condition that in case the petitioner is found to commit similar offence of which he is presently accused of during the pendency of the trial, the prosecution will be at liberty to seek cancellation of his bail.

**(SNEH PRASHAR)**  
**JUDGE**

**08.12.2016**  
*jitender sharma*

**Whether speaking/ reasoned : Yes**

**Whether Reportable : No**