

248.

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

CRR-1675-2016 (O&M)

Date of decision:18.10.2016

Bohar Singh

... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Aditya Jain, Advocate,
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Through the instant petition, petitioner-Bohar Singh has challenged the order dated 04.12.2015 passed by learned Judge, Special Court, Jalandhar framing the charge under Section 29 of NDPS Act against him.

Learned counsel for the petitioner has argued that though FIR No.262 dated 01.08.2006 under Sections 8, 21, 24, 25, 29, 60, 61 of NDPS Act, Police Station Nakodar, Jalandhar was registered against the petitioner and others but the trial Court vide judgement dated 31.03.2014 has acquitted the other accused of the charges framed against them. He states that out of total 12 accused, 4 have been acquitted by the trial Court whereas 7 have been declared proclaimed persons. He relies upon judgment of this Court in **Sudo Mandal @ Diwarak Mandal Versus State of Punjab-2011 (2) R.C.R. (Criminal) 453** to contend that once the co-accused have been acquitted by the trial Court, the petitioner is supposed to be acquitted on a

similar set of evidence as referred in order dated 31.03.2014 passed by

learned Judge, Special Court, Jalandhar. He further submits that petitioner is ready to face the trial provided that his personal appearance may be exempted.

Learned State counsel submits that since the petitioner has been declared a proclaimed person, he is required to face trial and cannot have the benefit of the judgment in *Sudo Mandal @ Diwarak Mandal's case (supra)* as the offence involved in the case is under the NDPS Act.

Heard learned counsel for the parties.

The charge has been framed against the petitioner under the NDPS Act. Therefore, taking into consideration the nature of allegation and the acquittal of co-accused, present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court on 19.10.2016 i.e. the date already fixed by the trial Court, the petitioner shall be admitted on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial court.

As regard the plea of the petitioner that he be exempted from personal appearance, petitioner is at liberty to move appropriate application seeking exemption of personal appearance and in case such like application is made, trial Court shall consider the same taking into consideration the acquittal of other co-accused.

Trial Court is also directed to expedite the trial qua the petitioner.

(HARI PAL VERMA)
JUDGE

18.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.

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**CRM-14372 of 2016 in
CRR-1675-2016**

BOHAR SINGH VS STATE OF PUNJAB

Present:- Mr. Aditya Jain, Advocate for the petitioner.
Mr. Sultan Singh Gill, DAG, Punjab.

Prayer in the instant application filed under section 5 of the Limitation Act is for condonation of delay of 58 days in filing the revision petition.

For the reasons stated in the application, same is allowed and delay of 58 days in the filing the instant revision is condoned.

CRM stands disposed of.

18.10. 2016
sanjeev

**(HARI PAL VERMA)
JUDGE**