

CRM-M-17283-2017

Date of Decision: 19.05.2017

Randhir Singh @ Gajjan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vivek Goel, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.25, dated 15.03.2014, under Sections 18/21/61/85 of NDPS Act, registered at Police Station Kotbhai, District Sri Muktsar Sahib.

As per prosecution version, the alleged recovery of 2 kgs. of opium was effected from the present petitioner as also two other co-accused.

During the course of inquiry, petitioner has been found to be innocent. Subsequently, upon an application under Section 319 Cr.P.C. having been allowed, petitioner was summoned to face trial as an additional accused.

Learned counsel appearing for the petitioner has referred to the Zimni orders dated 20.10.2016, 09.11.2016, 07.12.2016 and 06.01.2017 to contend that despite petitioner having not been served, notice of proclamation was issued and the petitioner was wrongly declared as proclaimed offender.

Petitioner has faced incarceration since 21.03.2017.

The alleged recovery in this case would be construed as non commercial. Petitioner is stated to be not involved in any other case of NDPS Act.

In the totality of the circumstances and without making any observations on merits, petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Sri Muktsar Sahib.

Disposed of.

19.05.2017

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(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |