

CRM-M-17474-2017

[1]

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

(Sr.No.228)

CRM-M-17474-2017

Date of Decision:-May 22, 2017

Kulwant Singh @ Sonu @ Fauji

.....Petitioner

V/S

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. Abhishek Chautala, AAG Punjab.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the rival parties.

In FIR No.484 dated 10.11.2010 registered under Sections 399 and 401 of Indian Penal Code, 1860 (Sections 473/399 and 411 of IPC were added lateron) and Section 22 of NDPS Act at Police Station Civil Lines, District Amritsar City the petitioner was arrested on 16.12.2016 and is in jail since then.

The coaccused against whom the trial was held have been acquitted vide judgment and order dated 01.12.2014 passed by Additional Sessions Judge, Amritsar in Sessions Case No.26 of 2011.

The prosecution case against the petitioner is that one Maruti Car, without number having chassis No.SB-3081 X1829925 and engine No.F-8-8 1 N 1240637 and 15 injections were recovered. Now there is finding recorded by the trial Court in Para-11 of the judgment that Oxytocin

in the injections was not shown to have been a narcotic drug in the meaning of NDPS Act. The coaccused of the petitioner were acquitted by the trial Court, insofar as the present petitioner is concerned. He remained absent during trial as such he was declared proclaimed offender and obviously the trial went on without he being there. The petitioner now wants to join the trial and also wants to be at liberty.

Learned counsel for the State submits that there is no other case registered against the petitioner-Kulwant Singh @ Sonu @ Fauji under NDPS act. In my view, since the petitioner has been responsible for delay in the trial and since he wants to be at liberty for facing the trial, he must pay compensatory costs to the State government. In that view of the matter, petition for bail is allowed. The petitioner-Kulwant Singh @ Sonu @ Fauji is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned subject to the petitioner depositing non-refundable costs in the sum of ₹20,000/- before the trial Court within a period of two months from the date of his actual release. The petitioner shall, however, appear before the trial Court with promptitude and shall not make any default in appearance in future. If, the petitioner does not deposit non-refundable costs as aforesaid this order shall come to an end automatically without reference to this Court.

Disposed of.

May 22, 2017

pankaj

**(A.B. CHAUDHARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No