

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-19948 of 2017
Date of Decision: 08.08.2017

Kamaljeet Singh @ Kuldeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.81 dated 27.05.2012 registered for the offence punishable under Section 18 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Canal Colony Bathinda, District Bathinda.

Heard.

Notice of motion.

On asking of the court, Ms. Rajni Gupta, Sr. DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Vide order dated 17.10.2016 passed in CRM-M-20733 of 2016, it was ordered that in the event of prosecution failing to conclude its evidence by 30.11.2016, the petitioner will be released on bail on his furnishing bail bond and surety bond to the satisfaction of trial Court. The prosecution concluded its evidence by 08.11.2016. Thereafter, co-accused,

namely, Mangleshwar, who had been declared proclaimed offender, was arrested and produced in Court. The charge was reframed and *de novo* trial started thereafter.

The petitioner is in custody for the last more than five years in this case. Though, the prosecution has concluded its evidence against him by 08.11.2016 but the trial has now *de novo* started. As per spirit of order dated 17.10.2016, the petitioner has become entitled to bail as his trial is still continuing.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Kamaljeet Singh @ Kuldeep Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

August 08, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No