

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

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Crl. Misc -M- 22149 of 2017(O&M)

Date of Order: 07.11.2017

Baldev Singh @ Raju

..... Petitioner

Vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR.JUSTICE DR. SHEKHER DHAWAN

Present: - Mr. I.P.S. Kohli, Advocate, for the petitioner.

Mr. A. S. Sandhu, Addl. A.G, Punjab.

SHEKHER DHAWAN, J.

Present petition is for grant of regular bail to the petitioner, namely, Baldev Sing @ Raju, in case FIR No. 143, dated 26.07.2013, registered under Section 22 of NDPS Act, at Police Station Sultanpur Lodhi, District Kapurthala.

The allegation against the petitioner is recovery of 60 grams of intoxicate powder, which is a commercial quantity.

Learned counsel for the petitioner contended that the petitioner was earlier admitted to bail in this case but on an subsequent occasion on account of non-appearance his bail was cancelled and later on he was declared proclaimed offender. Petitioner surrendered on 02.03.2017 and since then he is in custody. He further submitted that the trial shall take some time to conclude, therefore, the petitioner be released on regular bail.

On the other hand, learned State counsel opposed the bail petition on the ground that on account of previous conduct of the petitioner no case is made out for bail as he misused the concession of bail and was declared a proclaimed offender.

Having considered the submissions made by learned counsel for the parties; the fact that the petitioner was earlier admitted bail in this case and his bail was cancelled on account of his non-appearance and was declared a proclaimed offender. Any how, the petitioner is in custody since 02.03.2017 and most of prosecution witnesses have already been examined by now and conclusion of the trial still to take some more time, no useful purpose will be served by detaining the petitioner in custody. However, without expressing anything on merits of the case at this stage, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kapurthala. However, trial Court shall ensure that the surety is of local jurisdiction and petitioner be released on furnishing of heavy surety bonds. Learned trial Judge shall be at liberty to proceed with the proceedings under Section 446 Cr.P.C.

Nothing said here-in-above shall be construed to be an expression of opinion on the merits of the case.

November 07, 2017
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(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No