

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

**Criminal Misc. No.M-26283 of 2017
Date of Decision: 27.07.2017**

Varinder Kalyan @ Sunny

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.190 dated 23.11.2012 under Section 22 NDPS Act, registered at Police Station Maqsudan, Jalandhar.

Learned counsel for the petitioner states that in the instant case, the petitioner was admitted on bail by the trial Court, however, on 3.9.2014 and on subsequent dates, since the petitioner could not appear before the trial Court, he was declared as proclaimed offender vide order dated 9.2.2015. However, the petitioner has surrendered before Court on 9.12.2016 and since then, he is in custody. Therefore, considering the fact

that trial in the case will take long time, the petitioner be released on regular bail.

Learned State counsel, on instructions from ASI Naresh Kumar, submits that even if the petitioner has surrendered before the Court, the fact remains that he willfully remained absent from the Court. Moreover, another case FIR No.123 dated 26.10.2016 under Sections 379, 411 IPC P.S. Kartarpur is registered against the petitioner which is sufficient to decline the relief claimed in the petition.

I have heard learned counsel for the parties.

Admittedly, before the PO proceedings, the petitioner was on bail and was taken into custody only because of his non-appearance before the trial Court. Considering the fact that the petitioner is in custody since 9.12.2016 and trial in the case may take long time, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

July 27, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No