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

CRM-M-28291 of 2017

Date of decision: August 11, 2017

Kulwant Singh @ Sonu @ Fauji

.....Petitioner

Versus

State of Punjab

.....Respondent

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

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

Ms. Samina Dhir, DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.484 dated 10.11.2010, under Sections 399, 401 of Indian Penal Code, 1860 (for short 'IPC') (Sections 473, 399, 411 IPC added later on) and Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Civil Lines, District Amritsar City.

This Court had made an order dated 22.05.2017 in CRM-M-17474 of 2017 granting bail to the petitioner, subject to the condition of his depositing ₹20,000/- within a period of 2 months from the date of his release. The trial Court, promptly followed the order and released him vide release order dated 26.05.2017. The petitioner did not deposit the amount of ₹20,000/-.

Learned counsel for the petitioner submits that petitioner did not actually release because he had another case to be pleaded and

that is why he came out of jail on 30.05.2017. If the petitioner has to his credit one more case, the petitioner cannot be tried to blame in the interest of justice.

Be that as it may, since there is an order granting regular bail, there is no point in pushing him in jail. However, at the same time, the petitioner must be punished with further costs and this Court is inclined to impose costs of ₹10,000/- (non-refundable) payable to the State of Punjab.

Petitioner shall deposit costs of ₹20,000/- (non-refundable) within a week before the trial Court to be forfeited to the State of Punjab. It is only, thereafter, the petitioner shall be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner after his release, again shall deposit costs in the sum of ₹10,000/- with the trial Court within a period of 8 weeks thereof to be forfeited to the State of Punjab and failure thereupon, the trial Court will be at liberty to take the petitioner in custody. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

August 11, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No