

109 + 221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42230 of 2017(O&M)

Date of decision: November 22, 2017

Harcharan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Jai Singh Yadav, Advocate for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

A.B. CHAUDHARI, J (Oral)

CRM-37264 of 2017

CRM allowed. Annexure P-3 is taken on record.

CRM-M-42230 of 2017

Rule heard forthwith.

Petitioner seeks regular bail in FIR No.84 dated 27.05.2015, under Section 15/61/85 of NDPS Act,1985, registered at Police Station SDR Khanna, Ludhiana.

The petitioner was charged with keeping in his possession 20 kilograms of poppy husk which was a non-commercial quantity. He was arrested and was released on regular bail by the trial Court vide order dated 21.07.2015. He was on bail through out. However, during the course of trial he remained absent on 21.11.2016 and thereafter on subsequent dates also as a result of which trial was obstructed. He

was required to be declared a proclaimed offender because of his long absence. Ultimately he was arrested on 16.06.2017. Hence this petition for regular bail.

I do not find that the trial Court has committed any error in rejecting the bail because he remained absent for one date and on subsequent dates also and was consequently declared a proclaimed offender. However, learned State counsel states that he has no other case to his credit under the NDPS Act.

In my opinion, looking to the fact that the case relates to the year 2015, the petitioner should be given a chance to be at liberty to face the trial particularly because the counsel for the petitioner, on instructions, states that the petitioner would not remain absent on any date before the trial Court till the same is concluded.

In that view of the matter, the petitioner be released on bail subject to the following conditions:-

- (i) The **CRM-M-42230 of 2017** is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall give an undertaking that he will remain present on every date before the trial Court for early disposal of the trial. The trial Court will be at liberty to take him in custody in case he remains absent on any date.
- (iv) The petitioner to surrender his passport with the trial Court, if he possesses the same.
- (v) Petitioner shall not tamper, influence and

threaten the prosecution witnesses and complainant as well.

- (vi) In case, the petitioner violates the above said conditions, this order of bail comes to an end automatically without reference to this Court.

(A.B. CHAUDHARI)
JUDGE

November 22, 2017

sunita

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No