

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-44133 of 2016
Date of Decision: 17.02.2017**

Sudesh Kumar @ Duesh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.P. Dhir, Advocate
for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

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. 92 dated 29.04.1998 registered for offences punishable under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Sadar Sangrur, District Sangrur.

Heard.

Status report produced by learned State counsel is taken on record.

Learned State counsel submits that the police of Police Station Sadar Sangrur held a *naka* on 29.04.1998, when a tempo was stopped. Driver of the tempo, whose name was disclosed by co-accused Ved Parkash, who was also sitting in tempo, as Sudesh Kumar @ Duesh (petitioner), ran away from the spot. The tempo was found carrying 10 quintals 50 kgs. of poppy-husk. The other two occupants of tempo, namely, Ved Parkash and Faqiria were arrested and on trial, they were convicted. The petitioner could not be apprehended and was declared proclaimed offender. He was apprehended by the police in case bearing FIR No. 766 dated 24.12.2015, registered at Police Station Samalkha for offence punishable under Section 15 NDPS Act and was taken in custody in this case on 19.04.2016. Thereafter, supplementary challan has been produced and trial is in progress.

Learned counsel for the petitioner submits that only evidence against the petitioner is disclosure statement made by co-accused Ved Parkash. No other evidence to connect the petitioner with tempo has been collected by the police.

Keeping in view the fact that case pertains to the year 1998 and that the petitioner was not named in the FIR and has been arrested on the basis of disclosure statement of co-accused Ved Parkash 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-Sudesh Kumar @ Duesh 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.

February 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No