

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-44410-2017

Date of Decision:18.12.2017

Munish Kumar @ Kala

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Achin Gupta, Advocate,
for the petitioner.

Mr.M.S.Nagra, A.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.190 dated 06.05.2004 under Sections 22, 61, 85 of the NDPS Act, registered at Police Station Kotwali, District Bathinda.

The allegation against the petitioner is that 30 vials mark 'Osho' Cofcodyl and 25 vials mark 'Kosha' were recovered from the possession of the petitioner. Learned counsel for the petitioner states that vide order dated 30.06.2004, petitioner was released on bail on his furnishing bail bonds in the sum of ₹50,000/- with one surety in the like amount, subject to laid-down conditions. He states that after having been admitted on bail, the petitioner has gone under depression and due to stress, he left his house without disclosing his whereabouts and accordingly, the matter was reported to the police. Even pamphlets about him being missing were

published/pasted. He further states that thereafter, better sense prevailed and the petitioner surrendered before the trial court on 24.03.2017 and since then he is in custody. The petitioner undertakes to face the regular trial and not to prolong the same, in any manner.

On the last date of hearing, learned State Counsel had reported that the petitioner never surrendered before the trial court, rather he was re-arrested in the case on 24.03.2017. Today, learned State Counsel, on instructions from ASI Sukhminder Singh, states that the said information was incorrect and in fact, the petitioner had surrendered before the trial court and was not re-arrested.

Having heard learned counsel for the parties and considering the fact that the petitioner is in custody since 24.03.2017, coupled with the fact that further vide order dated 30.06.2004, he was admitted on bail, 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 the trial court.

The trial court shall impose a condition of heavy surety at the time of release of the petitioner.

December 18, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No