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

CRM-M-6341 of 2017

Date of decision: July 12, 2017

Baldev Singh @ 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.128 dated 24.07.2012, under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act'), registered at Police Station BEAS, Amritsar.

It is not in dispute that the petitioner was granted regular bail in the present FIR by the trial Court. It is also not in dispute that the petitioner was appearing before the trial Court, but remained absent on a particular date and as such, declared proclaimed offender vide order dated 05.03.2014 by the trial Court. Thereafter, petitioner was arrested on 17.09.2016 and is in jail since then.

Learned State counsel submits that there are 4 more cases under the NDPS Act.

Learned counsel for the petitioner submits that the petitioner
in on bail in those cases.

Since it is not in dispute that the petitioner was granted regular bail and in fact, was on bail during trial in the FIR relating to the year 2012 and further fact that he was also on bail in other cases, it would be appropriate to allow him to be at liberty during trial, but since the petitioner has some more cases to his credit and he was declared proclaimed offender on 05.03.2014 and since then, he has been at large, the petitioner will have to pay costs in the sum of ₹10,000/- in favour of the State of Punjab by depositing the same with the trial Court which shall be forfeited to the State of Punjab. The deposit of said amount shall be a pre-condition for grant of bail.

In that view of the matter, without finding any fault with the impugned order dated 19.01.2017, petitioner is ordered to be released on bail upon furnishing of fresh bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, and subject to petitioner depositing costs in the sum of ₹10,000/- in favour of the State of Punjab with the trial Court, which shall be forfeited to the State of Punjab. Liberty is reserved to take the petitioner in custody in case, he again absent himself from the trial Court. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

July 12, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No