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

**CRM-M No.8226 of 2017
Date of Decision: 08.05.2017**

MALKIAT SINGH @ MITTA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Shilesh Gupta, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.74 dated 23.05.2011, registered under Sections 22/61/85 of the NDPS Act at Police Station Sadar, District Tarn Taran.

Alleged recovery of 45 injections without label and 35 AVL was made from the petitioner and the petitioner was granted regular bail by the Sessions Court, Tarn Taran vide order dated 29.08.2011. On 03.12.2012, petitioner absented from the Court and thereafter he was declared to be a proclaimed offender vide order dated 02.07.2013.

Learned counsel for the petitioner submitted that during

currency of the petitioner being a proclaimed offender, he allegedly committed one more offence for which FIR No.140 dated 23.07.2013 was registered under Section 22 of the NDPS Act in the same Police Station i.e. P.S. Sadar, District Tarn Taran. The petitioner remained in custody in the said FIR No.140 dated 23.07.2013 for ten months and was ultimately granted regular bail on 23.05.2014. Factum of the petitioner being a proclaimed offender in FIR No.74 dated 23.05.2011 could not be noted by the Police.

A third FIR bearing No.230 came to be registered on 23.10.2013 under Section 21 of the NDPS Act. The lodging of this FIR would be debatable in view of custody of the petitioner in both the aforesaid FIRs.

Learned State counsel on instructions from ASI Maninder Singh and ASI Jagbans Singh submitted that the Investigating Officer of FIR No.74 dated 23.05.2011 could not collect necessary information regarding arrest of the petitioner in FIR No.140 dated 23.07.2013 and, therefore, arrest of the petitioner was not effected in the present FIR.

At this stage, without advertng to the merits of the case, since the petitioner was granted regular bail on 29.08.2011 and the factum of his being a proclaimed offender could not be noticed by the Police of the same Police Station while lodging FIR No.140 and arresting the petitioner, therefore,

I deem it appropriate to grant concession of regular bail to the petitioner.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 08, 2017.

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No