

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

**Crl. Misc. No.M-9932 of 2017 (O&M)
Date of Decision: December 05, 2017.**

Tek Chand

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhavesh Aggarwal, Advocate for
Mr. Ashish Aggarwal, Advocate
for the petitioner (s).

Ms. Seena Mand, DAG, 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. 70 dated 24.09.2012 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, at Police Station Sarai Amanat Khan, District Tarn Taran/Amritsar City.

Heard.

Learned counsel for the petitioner submits that the petitioner was on regular bail in this case but had absented on 24.09.2015. After issuance of his non-bailable warrants, he had surrendered before the Court on 08.09.2016. Learned trial Court has declined his regular bail on two grounds; firstly, he misused the concession of bail and secondly, he is in the habit of jumping bail. There is no instance mentioned in the order that the

petitioner had earlier jumped bail. He had been regularly appearing in this case. Now, he is in custody for the last about 15 months and suffered for his absence, as such, he be allowed regular bail at this stage.

Custody certificate filed by learned State counsel shows that no other case has been registered against the petitioner. Keeping in view the fact that he is in custody for the last about 15 months, conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Tek Chand 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

December 05, 2017
Sachin M./Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***