

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

CRM-M No.14749 of 2018 (O&M)

Date of Decision: 20.04.2018

Balvir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. Harbir Sandhu, Assistant Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C.') for grant of regular bail to the petitioner, who has been arrested in the proceedings under Section 446 of Cr.P.C. in case FIR No.84 dated 23.09.2013 (wrongly typed as 23.04.2013), registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Badhni Kalan, District Moga.

It is contended that the petitioner, being surety of accused-Karan Singh, has been declared as proclaimed person by the learned trial Court, vide order dated 28.02.2018 and he is ready to join the proceedings before the learned trial Court under Section 446 Cr.P.C. It is further contended that the petitioner is in custody since 07.03.2018 despite the fact that he is not an accused in this case.

In view of above, it is apparently clear that the petitioner is not an accused in FIR No.84 dated 23.09.2013 (wrongly typed as 23.04.2013); rather he was merely a surety for releasing the accused-Karan Singh on bail, but the said accused-Karan Singh absconded during trial and that led to the initiation of the proceedings under Section 446 Cr.P.C. against the present petitioner. The petitioner is in custody since 07.03.2018 and he is ready to co-operate with the proceedings before the learned trial Court.

Accordingly, this Court deems it appropriate to release the petitioner on bail subject to the satisfaction of the learned trial Court. However, the learned trial Court is at liberty to proceed according to the provisions of Section 446 of the Cr.P.C. for recovery and forfeiture of the surety amount, which was executed in the form of bonds by the petitioner for release of accused Karan Singh in FIR No.84 dated 23.09.2013 (wrongly typed as 23.04.2013).

Ordered accordingly.

It is made clear that the petitioner shall fully co-operate with the learned trial Court during the proceedings under Section 446 Cr.P.C. and will not seek unnecessary adjournments.

April 20, 2018

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>