

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

CRM-M-14919-2018

Date of decision:-31.5.2018

Balkar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Suresh Kumar Arya, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Balkar Singh – an accused in FIR No.1 dated 5.1.2015, under Section 15 of NDPS Act, registered at Police Station Passiana, District Patiala.

Briefly stated, the prosecution story is that on 5.1.2015 when arrested by police of Police Station Passiana, the petitioner was found in possession of 30 kgms. of poppy husk. He was granted regular bail by the trial Court. On 18.10.2016, he failed to put in appearance in the trial Court, resultantly his bonds were cancelled and forfeited to the State and warrants of arrest was issued against him. He could not be arrested despite issuance of warrants of arrest against him repeatedly and publication of

proclamation under Section 82 Cr.P.C., therefore, he was declared a proclaimed offender. He was arrested on 17.10.2017 and since then he is in custody. He had filed an application for regular bail in the Court of Sessions, which was declined by Judge, Special Court, Patiala vide order dated 14.11.2017, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

I do not find any merit in the petition. The very fact that the petitioner had jumped bail and was on run for several months and was declared a proclaimed offender, thereafter, he was arrested in this case goes to show that the petitioner cannot be relied upon to appear in the Court on each and every date of hearing, if granted concession of regular bail. Furthermore as per custody certificate placed on record by the State counsel, the petitioner is involved in three other criminal cases details of which are as under:

1. FIR No.35/2016, under Section 15 Cr.P.C., P.S. Passiana.
2. FIR No.18 dated 26.1.2018, under Section 22 of NDPS Act, P.S. Tripuri Patiala.
3. FIR No.06 dated 9.1.2018, under Section 15 of NDPS Act, P.S. Sadar, Patiala.

It means that the petitioner has got a criminal past and he is a habitual criminal. The trial against him is going on and out of 12

prosecution witnesses cited by the prosecution, 5 PWs are stated to have been examined. The trial is likely to be concluded in near future. Such type of accused cannot be relied upon and there are every chances of his absconding, tampering with the prosecution evidence, indulging in criminal activities again and trying to escape the justice delivery system, if granted bail.

Therefore, finding no merits in the petition, the same stands dismissed.

31.5.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No