

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

**CRM-M No.17019 of 2018
Decided on: 26.07.2018**

Dilbagh Singh @ Baga

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.22 dated 21.02.2015, for offence punishable under Section 22 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Sarhali, District Tarn Taran.

Counsel for the petitioner has submitted that the petitioner was granted regular bail by the trial Court in May, 2015 and he was regularly attending the Court proceedings, thereafter, the petitioner absented and was declared as proclaimed offender vide order dated 17.03.2017. It is further submitted that the petitioner was re-arrested on 20.07.2017 and since then, he is in judicial lock up.

Counsel for the petitioner has further argued that the petitioner is not involved in any other case except the FIR registered under Section 174-A IPC, which was registered on account of being declared as proclaimed offender.

Counsel for the State, on the basis of the Custody Certificate dated 30.04.2018, filed in the Court today and has not disputed the factual position and as per the Custody Certificate, the petitioner is in judicial lock up after his re-arrest for a period of about more than 01 year and the case is still at the stage of recording the statement of the prosecution witnesses and it will take some time in conclusion of the trial.

Without commenting anything on merits of the case and considering the fact that the petitioner was earlier granted regular bail and was facing the trial and has undergone substantive custody for a period of about more than 01 year after his re-arrest and the conclusion of the trial will take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and two surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

26.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No