

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

**CRM-M-19263-2018
Date of Decision: 27.08.2018**

Atul Kumar @ Dulla

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Himanshu Puri, Advocate
for the petitioner.

Mr. Nikhil K. Chopra, Addl. A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C in case FIR No.185 dated 22.11.2013 registered under Section 22/61/85 of NDPS Act at Police Station Kotwali, District Kapurthala.

2. Learned counsel for the petitioner submitted that the petitioner had the benefit of bail on 29.5.2014 under the provision of Section 167 (2) Cr.P.C. However, for violation of bail order, he was declared as proclaimed offender on 6.11.2017. Further he was re-arrested on 22.11.2017 till date he is in custody.

3. Learned counsel for the respondent-State submitted that number of witnesses have been examined except one or two. Therefore, it is not appropriate to extend the benefit of regular bail.

4. Heard the learned counsel for the parties.

5. Having regard to the fact that petitioner had the benefit of bail under the provision of Section 167 (2) Cr.P.C, however, for violation of the same he has been declared as proclaimed offender on 6.11.2017. Thereafter, he has been arrested on 22.11.2017. Till date he is in custody. In view of

these facts and circumstances, without commenting on the merits of the case, petitioner-Atul Kumar Dulla is ordered to be released on bail to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

6. However, the petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or otherwise interfere with the fair trial.

7. The petitioner shall also appear before the Station House Officer concerned on the last Saturday of every month at about 10.00 A.M.

8. Petition is allowed accordingly.

27.08.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**