

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

**CRM-M No.21059 of 2018
Decided on: 01.08.2018**

Harbans Singh @ Kala

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.87 dated 25.05.2014, for offence punishable under Sections 15/18/21/22/61/85 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Sultanpur Lodhi, District Kapurthala.

Counsel for the petitioner has submitted that the petitioner was granted interim bail on 17.10.2014 and the same was confirmed on 05.05.2016 as the recovery was of non-commercial quantity. It is further submitted that, later on, the petitioner did not appear before the trial Court on 18.05.2016 and was re-arrested on 05.03.2017 and in the intervening period, he was declared a proclaimed offender on 28.02.2017. It is also submitted that during the period when the

petitioner was absconding from the Court proceedings, he was not involved in any other case under the NDPS Act and on account of miscommunication from his counsel, he could not appear before the trial Court.

Counsel for the petitioner has further submitted that after his re-arrest, the petitioner has undergone 01 year and 04 months of judicial custody and he is on bail in the earlier 02 FIRs, which is prior to declaration of his P.O. order. It is further submitted that out of 22 prosecution witnesses, only 06 PWs have been examined so far and conclusion of the trial is likely to take some time.

Counsel for the State has filed the Custody Certificate and on instructions from ASI Sukhdev Singh, has not disputed the factual position and has submitted that the petitioner is involved in 02 other FIRs, in which he is on bail as the recovery was of non-commercial quantity.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock for the last more than 01 year and 04 months; he was on interim bail for a period of about 02 years when he absconded from the Court proceedings and also in view of the fact that conclusion of the trial will take some time as only 06 prosecution witnesses have been examined so far out of 22 PWs, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and 02 sureties to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

It will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case

or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

01.08.2018
yakub

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