

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

**CRM-M No.25174 of 2018
Decided on: 12.07.2018**

Baljit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Surinder Siao, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, 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.95 dated 25.08.2012, for offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

Counsel for the petitioner has submitted that recovery from the petitioner was of 05 gms. of smack and he was granted regular bail on 26.09.2013, however, the petitioner failed to appear before the trial Court and, thereafter, he was declared as proclaimed offender on 21.11.2014. It is further submitted that the petitioner surrendered before the trial Court on 21.04.2018 and since then, he is in judicial custody.

Counsel for the petitioner has further submitted that the petitioner is working as a truck driver and was away from the State and therefore, he could not appear before the trial Court on the date fixed,

however, no plausible explanation has been given with regard to the intervening period of 05 years.

Counsel for the State, on instructions from ASI Satnam Singh, has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner remain absent from the Court proceedings for a period of about 05 years and there is a possibility that the petitioner may again flee from the process of justice, if enlarged on bail. It is further submitted that the petitioner was found involved in 02 other cases, out of which he has been acquitted in one case and in the other case, an untrace report has been filed.

Without commenting anything on merits of the case and considering the quantity of smack recovered from the petitioner: he is in judicial lock up since 21.04.2018 and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail bonds and two surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate and on payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Fatehgarh Sahib.

The payment of costs of Rs.5,000/- shall be a pre-condition before accepting the bail/surety bonds of the petitioner.

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.

12.07.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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