

S.No.219

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

CRM-M-27986 of 2018 (O&M)

Date of Decision:04.09.2018

Harkrishan alias Binder Petitioner

Vs.

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Mohd. Yousaf, Advocate
 for the petitioner.

Mr. Hittan Nehra, Addl. AG,
Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.136 dated 01.09.2013 registered under Sections 22/61/85 of NDPS Act at Police Station Adampur, District Jalandhar.

Counsel for the petitioner contends that initially the petitioner was granted bail pending trial by the trial Court itself. However, due to unfortunate situation, the petitioner could not appear before the trial Court on some dates. Therefore, he was declared as proclaimed person. Thereafter, the petitioner himself surrendered before the Court on 12.04.2018. Since then, he is in custody. It is further submitted that there is no other case against the petitioner. He is not required for any investigation purposes since trial is already going on .

On the other hand, learned counsel for the State submits that

since the petitioner had absented from the proceedings before the Court, therefore, he cannot be released on bail again. However, it is not disputed that the petitioner himself had surrendered before the Court and thereafter, he is in continuous custody.

In view of the above, but without commenting any further on merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/ Duty Magistrate, Jalandhar.

September 04, 2018
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No