

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-28818 of 2018

Date of Decision: July 17, 2018

Kulwant Singh @ Mithu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. J.S. Thakur, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

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Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 154 dated 02.09.2014 under Sections 21, 22 of the NDPS Act, 1985, registered at Police Station Kotwali, District Kapurthala.

2. As per the allegations in the FIR, the petitioner was apprehended with 50 grams of Heroin in his possession.

3. Learned counsel for the petitioner submits that recovery being of non-commercial quantity the petitioner was released on regular bail by the trial Court. However, due to his non-appearance on 20.04.2017, his bail was cancelled and he was ultimately declared proclaimed offender vide order dated 23.08.2017. The petitioner, however, surrendered on his own on 13.12.2017. Now, he has been in custody for about seven months. The investigation is complete but the trial has not commenced as charges have not yet been framed. Thus, the petitioner deserves to be granted regular bail.

4. Learned State counsel submits that the petitioner had absconded on an earlier occasion, therefore, he does not deserve the concession of regular bail.

5. The factual submissions are, however, not disputed. It is also not in

dispute that there is no other case pending against the petitioner.

6. Keeping in view the facts that the petitioner is first offender and that the trial is not likely to conclude at an early date as well as the fact that the recovery is of non-commercial quantity, I deem it appropriate to grant regular bail to the petitioner. The petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court.

July 17, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No