

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-37367-2018

Date of Decision:26.09.2018

Baljinder Singh @ Baba

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Ankit Kharbanda, Advocate,
for the petitioner.

Mr. Tanvir Joshi, A.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.57 dated 26.05.2014 under Sections 21, 22, 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Subhanpur, District Kapurthala.

As per FIR, 320 gms. heroine along with Rs.2 lacs were stated to be recovered from co-accused Dalbir Singh @ Sardari, who in his disclosure statement named the present petitioner as an accused.

Learned counsel for the petitioner has argued that apart from the fact that co-accused Dalbir Singh @ Sardari is on bail, even the petitioner was also admitted on bail by the trial Court, but he being absent on 15.07.2017, P.O. Proceedings were initiated against him and

Accordingly, he was arrested by the police on 24.04.2018. The petitioner

who was otherwise on bail could not appear before the trial Court because of his illness. He is a patient of Hepatitis 'C' and there is no other case against him under the NPDS Act.

Learned State Counsel on instructions from ASI Prem Singh has filed the custody certificate as well as short affidavit of Sh. Rajiv Kumar Arora, Deputy Superintendent, Central Jail, Amritsar, on behalf of respondent-State along with the report of Senior Medical Officer, Central Jail Amritsar (Annexure R-1), which are taken on record. As per custody certificate, there is no other case pending against the petitioner under the NDPS Act. However, learned State Counsel has argued that since the petitioner absented himself from the court proceedings, he was declared proclaimed offender on 04.04.2018 and even thereafter instead of surrendering before the trial Court, he was arrested in the case.

I have heard learned counsel for the parties.

The fact that the petitioner was admitted on bail by the trial Court and absented on 15.07.2017 is not in dispute. The Medical Officer has stated that the petitioner was examined by the medical specialist and various lab tests were conducted. Viral marker also done and the petitioner has been diagnosed as a case of Hepatitis 'C' positive. He has also been found a known case of heroine addict for which he has been advised psychiatric opinion.

Considering the fact that the petitioner is a patient of Hepatitis 'C' positive and he is in custody since 24.04.2018, this Court finds that trial in the case may take long time, as only charges have been framed in the case and none of the prosecution witnesses have been examined so far, I deem it appropriate to admit him on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

The petitioner shall submit an undertaking to the effect that he shall not absent in the proceedings before the trial Court.

September 26, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No