

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-4941-2018 (O&M)
Date of Decision: 28.02.2018

Bakar Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sandeep Kumar, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner seeks the benefit of regular bail in case F.I.R. No.33 dated 12.5.2011 under sections 15, 61, 85 of N.D.P.S Act, registered at Police Station, Kotwali Kapurthala, District Kapurthala.

The uncontroverted factual premise is that FIR came to be registered against the petitioner as also other co-accused against an alleged recovery of 520 kgs of poppy husk. Petitioner was not apprehended on the spot. During the course of investigation petitioner was found innocent. However, on account of an application under section 319 Cr.P.C having been allowed, petitioner was summoned to face trial as an additional accused.

Petitioner had been granted concession of bail but having not appeared before the Trial Court, the concession of bail was canceled and the bail bonds/surety bonds were forfeited to the State.

It is the contention raised by counsel by adverting to a certificate of arrest dated 2.8.2016 at Annexure P-3 that absence of the petitioner from trial proceedings was on account of the fact that the petitioner had been arrested in yet another FIR.

Apparently, after release petitioner has surrendered on 26.7.2017 and has faced incarceration since then.

Keeping in view the allegations and whereby no recovery is stated to have been effected from the conscious possession of the petitioner and coupled with the fact that petitioner has now faced incarceration for a period in excess of six months, he is held entitled to the benefit of bail. Accordingly, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

It is clarified that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of regular bail and would have no bearing on the merits of the case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.02.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No