

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

CRM-M-8847-2018

Date of decision:-28.5.2018

Surinder Singh @ Shinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Parveen K. Kataria, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Surinder Singh @ Shinda – an accused in FIR No.55 dated 26.5.2015,
under Section 22 of NDPS Act, registered at Police Station Sadar, Banga,
District S.B.S. Nagar.

Briefly stated, the prosecution story is that petitioner Surinder
Singh @ Shinda was arrested by the police from Police Station Sadar,
Banga on 26.5.2015 in the area of Barloo Bridge, Police Station Sadar,
Banga and was found in possession of intoxicant white powder weighing
250 gms. He was arrested in this case and sent up to face trial. During the
course of trial since FSL report was not received, Judge, Special Court,

S.B.S. Nagar in terms of ratio of authority **Inderjeet Singh @ Laddi and others Versus State of Punjab, 2014(3) R.C.R.(Criminal) 953** granted interim bail to the petitioner clarifying that if on the outcome of FSL report, contraband allegedly recovered from the petitioner was found to be commercial in nature, then the accused would be taken into custody and the bail application would be disposed of on merits of the case. The petitioner was directed to remain present in the Court on each and every date of hearing till final disposal of the bail application. However, the petitioner did not comply with the terms and conditions on which interim bail had been granted to him by the trial Court vide order dated 1.9.2015. He was declared a proclaimed offender. Report from FSL had been received as per which the recovered contraband was found to be of commercial quantity. The petitioner was arrested in this case on 5.4.2017. He had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Judge, Special Court, S.B.S. Nagar vide order dated 5.5.2017, therefore, the petitioner has approached this Court for grant of similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The petitioner is not entitled to bail firstly for the reason that bar of Section 37 of NDPS Act is there since quantity of contraband recovered is more than commercial quantity; secondly while being granted interim bail by the trial Court, he did not comply with the terms

and conditions and rather jumped bail and was declared a proclaimed offender vide order dated 18.3.2016. He was arrested after more than a year and presently he is in judicial custody. A person showing such type of conduct cannot be trusted to appear in the Court on each and every date of hearing and not to abscond. The trial against the petitioner is going on, which is expected to be concluded in near future and his guilt shall be determined during the trial.

Thus, finding no merit in the petition, the same stands dismissed.

28.5.2018

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No