

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

**CRM-M No.10709 of 2019
Decided on: 13.03.2019**

Gurcharan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Gupta, Advocate
for the petitioner.

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.140 dated 29.10.2015 registered under Section 22/61/85 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), at Police Station Shambhu, District Patiala.

Counsel for the petitioner has submitted that after registration of the FIR, the petitioner was granted the concession of default bail under Section 167(2) Cr.P.C., by the Judge, Special Court, Patiala, on 03.05.2016 and he was facing the trial, however, he met with an accident and suffered injuries in the same and thus, could not appear before the trial Court on 16.05.2017. Thereafter, the petitioner appeared before the trial Court on 05.09.2017 and again, he was granted the concession of regular bail noticing the aforesaid facts. It is further submitted that the petitioner again absented from the Court proceedings

on 20.02.2018 and he was arrested on 07.12.2018.

Counsel for the petitioner has further argued that on account of aggravation of the injuries sustained by the petitioner in the accident, he could not appear before the trial Court on the date fixed and thereafter, he was sent to judicial custody and he has undergone 03 months and 04 days of the custody.

Counsel for the State has filed the Custody Certificate today in the Court and on instructions from ASI Jagjit Singh, has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that the petitioner was granted default bail under Section 167(2) Cr.P.C. and later on, again he was granted the concession of bail by the trial Court and also in view of the fact that conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds, to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution or the complainant to apply for cancellation of bail of the petitioner, in case he is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

13.03.2019

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No