

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

**CRM-M-27652-2018
Date of decision: 21.01.2019**

Davinder Singh @ Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Harkaran Singh, Advocate for
Mr. B. S. Bhalla, Advcoate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 169 dated 28.08.2012, registered under Sections 21/22/61/85 of the NDPS Act, at Police Station Beas, Amritsar.

Learned counsel for the petitioner submits that petitioner was granted bail by the Additional Sessions Judge, Fast Track Court, Amritsar, vide order dated 31.08.2013. Thereafter, the petitioner was regularly attending the Court proceedings, however, he absented on 02.01.2015 and was subsequently declared a proclaimed offender on 07.08.2015.

Learned counsel for the petitioner further submits that petitioner was arrested in another FIR on 31.03.2018 and thereafter, he was produced in the present case, however, he has been granted bail in the another FIR.

Learned counsel for the petitioner further submits that on

account of his ill health, the petitioner could not appear before the trial Court.

However, learned State counsel, on instructions from ASI Balkar Singh, has opposed the prayer of the petitioner on the ground that absence of the petitioner from the Court proceedings is very long and there is no explanation for his non-appearance before the trial Court and in fact, if the petitioner was not arrested in the second FIR, he might have not appeared before the trial in the present case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner was earlier on bail in this case and after absenting from the court proceedings, he was arrested on 31.03.2018 in another FIR and since then his in judicial custody and that case is now fixed for 31.01.2019 for framing of charge and it will take some time in conclusion of the trial, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on payment of cost of Rs. 25,000/- which shall be deposited in the Govt. Treasury under the head to be nominated by the trial Court.

January 21, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No