

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

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**CRM-M No.28531 of 2019
Date of Decision: 28.8.2019**

RAKESH KUMAR @KESHA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Ms.Ambika Luthra, Sr.DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.148 dated 13.07.2014, registered under Sections 22 and 29 of the NDPS Act at Police Station Salem Tabri, District Ludhiana.

Earlier the petitioner was granted regular bail by this Court in CRM-M No.42926 of 2014 vide order dated 25.5.2015. On 6.7.2018, the petitioner did not attend the Court on account of his alleged ailment, for which no affidavit was filed along with the application for exemption nor the application was supported by medical certificate. On account of said omission, the bail was cancelled. Bail bonds and surety bonds were ordered to be forfeited to State. Nonailable warrants were issued against the petitioner along with notice to his surety. The petitioner was

arrested on 17.10.2018 in FIR No. 241 of 2018 registered in Police Station Kotwali Kapurthala. On account of his absence from the Court, he was declared to be proclaimed offender on 26.11.2018 and was produced in the present case on production warrant on 19.4.2019. The petitioner is in constructive custody from 17.10.2018 in the present case and is in actual custody since 19.4.2019.

The bail was granted after noticing incriminating facts on record vis-a-vis involvement of the petitioner in other cases. It was noticed that in FIR No.103 dated 14.6.2011 under Sections 323, 324, 336, 148, 149 IPC and under Sections 25/54/59 of the Arms Act, petitioner was acquitted on 17.1.2015. In FIR No.3 dated 3.1.2014, he was granted bail in terms of Section 167 (2) Cr.P.C.. In FIR No.122 dated 10.6.2014, he was granted bail on 21.4.2015 by the High Court. Similarly, in FIR No.127 dated 13.6.2014, he was discharged and in FIR No.193 dated 2.8.2011, the petitioner is on bail.

In the present case, co-accused were tried by the competent Court and they have been acquitted vide judgment of acquittal dated 1.12.2018. The petitioner is in custody since 19.4.2019.

For the reasons recorded herein above, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, this petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

August 28, 2019

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No