

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-4783 of 2020 (O&M)
Date of decision: August 20, 2020

Satish Kumar @ Sunny ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Ashok Giri, Advocate for the petitioner.
Mr. Sidakmeet Sandhu, AAG, Punjab.

Ashok Kumar Verma, J.

Case taken up through Video Conferencing.

This is a second petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “the NDPS Act”) at Police Station Bilga, District Jalandhar, vide FIR No.57 dated 26.05.2017.

Learned counsel for the petitioner submits that the petitioner was earlier granted bail. However, he failed to appear before the trial court on 27.11.2017 due to some unavoidable circumstances and he was wrongly declared as proclaimed offender on 31.10.2018 without following the due procedure. The non-appearance of the petitioner was neither willful nor intentional. He himself submitted before the police on 9.9.2019 and he has been confined in judicial custody since then. Moreover, the alleged

recovery from the petitioner is non-commercial quantity. Learned counsel has submitted that the petitioner has already suffered a lot as he is in custody since 9.9.2019.

On the other hand, learned State counsel submits that petitioner did not appear before the trial court. Ultimately, he was declared a proclaimed offender on 31.10.2018 and he has been arrested in this case on 9.9.2019 after a period of more than two years and thus, the petition deserves to be dismissed.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Earlier the petitioner was bailed out by the trial court. However, he failed to appear before the trial court on 27.11.2017 and thus, he was declared as proclaimed offender. Having regards to the totality of the facts and circumstances of the case, the fact that the quantity of contraband recovered from the petitioner is non-commercial and petitioner is under incarceration since 9.9.2019 and due to COVID-19, trial of the case is not likely to be concluded in the near future, the present petition is allowed and petitioner Satish Kumar @ Sunny is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the concerned trial court/Chief Judicial Magistrate, Jalandhar.

(ASHOK KUMAR VERMA)
JUDGE

August 20, 2020
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No