

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

205

**CRM-M-10102-2020
Date of decision: 27.05.2020**

Ranjit Singh @ Nikka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. H.P.S. Sidhu, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.215 dated 19.09.2014 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) registered at Police Station Beas, District Amritsar Rural.

As per the prosecution version, recovery of 150 grams of intoxicating powder was made by police party headed by ASI Naresh Kumar from polythene bag carried by the petitioner. On completion of investigation, the police filed charge-sheet against the petitioner who was granted bail but on absconding was declared proclaimed offender vide order dated 24.04.2018.

The petitioner, who was re-arrested on 24.03.2019 and is in custody since then, has filed the present petition for grant of regular

bail.

Learned State counsel has appeared and opposed the bail application in terms of reply filed by way of short affidavit of Sh. Harkrishan Singh, PPS, Deputy Superintendent of Police, Sub-Division Baba Bakala Sahib, Amritsar Rural through e-mail which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Non-commercial quantity of 150 grams of intoxicating powder is alleged to have been recovered from his possession. The petitioner was granted bail by the learned trial Court but due to failure of the petitioner to appear, he was declared proclaimed offender vide order dated 24.04.2018. The petitioner is in custody since 24.03.2019. Due to Covid-19, the trial is likely to take long time. The petitioner has already been convicted and has undergone the sentence in case registered under Section 229-A of the Indian Penal Code, 1860 (for short, "the IPC"). The petitioner is ready to abide by the terms and conditions regarding his appearance. Therefore, the petitioner may be granted regular bail.

On the other hand learned State counsel has vehemently opposed the petition and submitted that the petitioner absconded during trial and was declared proclaimed offender. The petitioner misused the concession of bail and no plausible explanation has been assigned for his absence. The petitioner is likely to abscond again if granted regular bail. Therefore, the petition may be dismissed.

However, learned State counsel has conceded that the petitioner is not involved in any other case under the NDPS Act.

The petitioner absconding during trial and was declared proclaimed offender vide order dated 24.04.2018. The petitioner has already been convicted and has undergone the sentence in case registered under Section 229-A of the IPC. The petitioner has alleged that he could not appear before the Court due to being uneducated person and having shifted to Madhya Pradesh. Though the explanation given by the petitioner cannot be said to be plausible yet the petitioner has now undertaken to abide by all the conditions to be imposed regarding his appearance before the Court.

Keeping in view the facts and circumstances of the case including the nature of accusation, non-commercial quantity of the contraband, the fact that the petitioner is not involved in any other case under the NDPS Act and also that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without meaning to comment on merits, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal bond with bond of one local surety in heavy amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.05.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No