

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

**CRM-M No.13963 of 2020 (O&M)
Date of Decision.17.06.2020
(Heard through VC)**

Lakhan

...Petitioner

Vs

State of U.T., Chandigarh

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sartaj Singh Gill, Advocate
for the petitioner.

Mr. J.S. Toor, APP, U.T., Chandigarh.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.457 dated 25.08.2015 under Section 21 of the NDPS Act, 1985 registered at Police Station Mani Majra, Chandigarh.

Counsel for the petitioner herein would contend that petitioner was arrested on 25.08.2015 but was granted bail by the Special Judge, Chandigarh on 16.09.2015. Though the petitioner was regularly appearing in the trial Court, however, due to some mis-communication could not appear before the trial court and was declared as Proclaimed Officer vide order dated 16.12.2016. The petitioner was re-arrested on 21.02.2020 and since then he is in custody. The petitioner was apprehended along with 10 gm of Smack, which is a non-commercial quantity. The trial is likely to take some time to conclude and therefore, prays for grant of concession of regular bail to the petitioner.

Learned counsel appearing for the respondent-State opposes the regular bail, who argues that no ground is made out for concession of

regular bail.

I have heard learned counsel for the parties. Keeping in view the fact that the quantity of contraband recovered is non-commercial and the petitioner had already been granted bail, however, re-arrested on account of his declaration as proclaimed offender due to non-appearance before the trial Court, coupled with the fact that the trial is likely to take some time to conclude as due to COVID-19 situation, Courts are not working at their full strength and not taking up regular hearing matters, this Court deems it appropriate to grant regular bail to the petitioner as no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

June 17, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No