

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

209

CRM-M-16265-2020 (O&M)

Decided on : 08.07.2020

Kirpal Singh @ Pala Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. KPS Virk, Advocate for the petitioner (s).

Mr. H.S. Sullar, DAG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

CRM-14210-2020

The court fees/Advocate Welfare Stamp shall be deposited the moment the instructions are modified as such and physical presence is allowed. It is made clear that in case the needful is not done, the order shall be liable to be recalled at the detriment of parties.

CRM stands disposed off.

Main case

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.323 dated 19.08.2003 under Sections 15/61/85 of NDPS Act, registered at Police Station Sadar Samana, District Patiala.

The petitioner was declared proclaimed offender by the Court on 16.03.2004. He was only arrested on 03.03.2020, when he was produced by his brother Bir Singh, who is also a resident of District Shamli, Uttar Pradesh, as is the petitioner.

The case of the prosecution as per the challan, which has been translated is that three men were unloading jute bags on the raw bank of the irrigation channel and had fled away in the truck, when the police party had approached them in the night time. The petitioner was named during the investigation alongwith one Mehar Singh, who had also been declared proclaimed offender. The recovery though is substantial to the extent of 700 Kgs Poppy Husk, on account of the 20 bags of 35 Kgs each. However, the fact remains that the petitioner himself has put in appearance and appeared before the investigating agency. The bail has been declined only on account of the fact that he was a proclaimed offender for the last 16 years.

Accordingly, keeping in view the fact that counsel for the State is not in a position to explain how the Investigating Officer had nominated the petitione,r who admittedly belongs to Uttar Pradesh, this Court is of the opinion that no useful purpose will be served by detaining the petitioner, since the investigation has been completed, as the charge has been framed on 27.05.2020.

Resultantly, the present petition is allowed. The petitioner be released on bail on his furnishing heavy bail bonds and a local surety as he belongs to Uttar Pradesh, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate.

JULY 08, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No