

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

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**CRM-M No.18044 of 2020
Date of decision:27.07.2020**

Harjinder Singh @ Kaddu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Tarun Sharma, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

This matter has been taken up for hearing through video conferencing due to Covid-19 Pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.0059, dated 19.03.2019 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (However Section 29 of NDPS Act added later on) at Police Station City Ferozepur, District Ferozepur (Annexure P-1).

Counsel for the petitioner has submitted that one Kuldeep Singh @ Kippa was apprehended, from whom 40 grams of heroine was recovered. The petitioner was nominated on the disclosure statement of Kuldeep Singh @ Kippa which is inadmissible in evidence. The petitioner was arrested and later released on regular bail by the learned

Special Court. He was appearing regularly before the court on every date. Due to a default on one occasion, when he was suffering from viral fever, he could not appear and the Court vide order dated 01.08.2019 (Annexure P-2) cancelled his bail and issued non-bailable warrant for his arrest. The petitioner was arrested in another FIR No.279 dated 28.11.2019 registered under Sections 379, 411 IPC at Police Station City Ferozepur and produced before the trial Court. He was taken into custody on 07.03.2020 and is behind bars since then. Counsel submits that the petitioner be released on bail subject to furnishing of adequately heavy surety.

State counsel, upon instructions from ASI Sukhchain Singh, has submitted that the petitioner had remained absent for 7 months and 10 days. He submits that no doubt the contraband recovered from co-accused was non-commercial quantity but since the petitioner had misused the concession of bail, his petition deserves to be dismissed. His further submission is that the petitioner did not surrender before the Court on his own but was arrested in another FIR which is pending against him. State counsel further submits that on account of long absence of the petitioner from the Special Court, charge-sheet could not be filed.

I have considered the rival submissions.

The petitioner was granted bail pending trial by the Special Court, Ferozepur, but his bail was cancelled on account of his non-appearance on one occasion. This Court feels that the interest of justice would be met, in case, he is ordered to be enlarged on bail on his furnishing adequately heavy surety.

Keeping in view of the background and the period of incarceration of the petitioner, this Court is of the view that no useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, **the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and heavy surety** to the satisfaction of trial Court/Duty Magistrate in order to eliminate the possibility of any future default by the petitioner.

27.07.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No