

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

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**CRM-M No.19850 of 2020 (O&M)
Date of decision:17.08.2020**

Rajinder Kumar @ Sonu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajiv Joshi, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The hearing of this case has been taken up through video conferencing due to Covid-19 Pandemic.

CRM-17265-2020

Prayer in the application is for exemption from filing original vakalatnama along with the petition. For the reasons given in the application, same is allowed and the petitioner is granted exemption as prayed for subject to the rider that the counsel will file the original Vakalatnama with the Registry of this Court within a period of one month after the lockdown is over.

CRM-19788-2020

Prayer in the application is for placing on record Annexure P-3.
Same is allowed. Annexure P-3 is taken on record.

Main case.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.12, dated 12.02.2015 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Adampur, Jalandhar.

Counsel for the petitioner argues that the petitioner was arrested in the above said FIR in the year 2015 and was granted the concession of bail after remaining in custody for about 8 months. According to the counsel, as the mother of the petitioner was sick, he could not appear before the Court, as a result of which he was declared as Proclaimed Offender on 30.05.2017. The petitioner surrendered before the trial Court on 03.07.2019 and is in custody since then. Counsel urges that total recovery from the petitioner is 110 grams of heroin which falls in the category of non-commercial quantity under the provisions of the NDPS Act. He submits that the trial is likely to take time and the petitioner deserves to be enlarged on bail keeping in view his period of incarceration.

State counsel has opposed the petition and submits that the petitioner is involved in numerous cases. He has referred to the custody certificate dated 15.08.2020, which has been filed by him today and contends that besides the present case, he is involved in other cases involving heinous offences. He points out that in fact the petitioner never

surrendered before the Court but was arrested on 03.07.2019

I have considered the rival submissions.

An examination of the custody certificate shows that the accused-petitioner is involved in 8 FIRs, including the present FIR, out of which he stands convicted in two cases. Besides these cases, he has been acquitted in two other criminal cases. He was granted concession of bail by the trial Court on 30.05.2017 and was arrested on 03.07.2019. During this period, FIR No.42 dated 21.06.2019 was registered against him under Sections 399 and 402 IPC and Sections 25/27 of Arms Act, at Police Station Mehna, District Moga. Not only this, the petitioner was declared proclaimed offender in a pending trial and FIR No.154 dated 05.07.2017 was registered against him under Section 174-A, IPC at Police Station Adampur, Jalandhar.

Keeping in view the antecedents of the petitioner as well as the fact that the petitioner has been declared as Proclaimed Offender in two cases, this Court is of the view that no case is made out for grant of regular bail to the petitioner.

Accordingly, the present petition is dismissed.

It is clarified that any observation made above shall not be construed to be an opinion on the merits of the case.

17.08.2020

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No