

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

206

**CRM-M-21774-2020
Date of decision: 15.09.2020**

Sukhdev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prince Sharma, Advocate
for the petitioner.

Mr. Harbir Sandhu, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.149 dated 09.10.2013 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) at Police Station Bhikhiwind, District Tarn Taran.

As per the prosecution version, on 09.10.2013, the police party headed by ASI Karaj Singh apprehended the petitioner on suspicion and on search recovered 1000 tablets labelled Subinol containing the psychotropic substance kept by him without any permit or licence.

The petitioner had filed petition for grant of regular bail earlier which was dismissed as withdrawn vide order dated 13.07.2020 but the petitioner did not mention this fact in the present petition.

Now, the petitioner has filed the present second petition for grant of regular bail.

The petition has been opposed by learned State counsel. However, no reply has been filed by respondent-State.

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

Learned counsel for the petitioner has submitted that the petitioner was granted regular bail by the trial Court but on absence on 29.08.2018 his bail order was cancelled and bail bonds were forfeited. The petitioner filed petition for grant of anticipatory bail which was allowed by this Court vide order dated 20.11.2018 but the petitioner could not arrange surety and furnish bail bonds due to his poverty. The petitioner was subsequently declared proclaimed person and FIR under Section 174-A of the Indian Penal Code, 1860 was also registered against him. The petitioner was arrested on 11.10.2019. The petitioner has been granted bail in case under Section 174-A of the IPC. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be ordered to be released on bail.

On the other hand, learned State counsel has submitted that the petitioner misused the concession of bail and absented in the case on which he was declared proclaimed person. The petitioner is also involved in one more case under the NDPS Act. The petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case,

previous conduct of the petitioner, misuse of concession of bail by him and non-appearance before the Court till declaring of the petitioner as proclaimed person and likelihood of the petitioner absconding again if released on bail, but without commenting on the merits of the case, I am of the considered view that the petitioner does not deserve grant of regular bail.

In view of the above, the present petition for grant of regular bail to the petitioner is dismissed.

15.09.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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