

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22345-2020

DATE OF DECISION: AUGUST 14, 2020

MOHINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PARVESH SACHDEVA, ADVOCATE FOR THE PETITIONER.
MR. RANA HARJASDEEP SINGH, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Mohinder Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.131 dated 22.12.2017, under Section 22-61-85 NDPS Act, 1985, Police Station Arniwala, District Fazilka.

As per the allegations levelled in the FIR, on 22.12.2017, in the area of village Haleemwala, P.S. Arniwala, the petitioner was found in conscious possession of 320 tablets containing Alprazolam salt and 500 loose tables containing Tramadol Hydrochoride salt.

Learned counsel for the petitioner contends that the concession of regular bail was extended to the petitioner on 18.12.2019 by the trial Court and he continued to appear regularly in the case proceedings. He submits that as on 18.12.2019 the petitioner failed to appear, the trial Court proceeded to cancel his bail and forfeited the bail bonds. According to him, the petitioner surrendered on 25.2.2020 before the trial Court, but his

application for bail has been dismissed vide order dated 13.4.2020. He prays for grant of regular bail during the pendency of the trial.

On the other hand, learned State counsel has opposed the prayer on the ground that the petitioner absented from the trial proceedings and was taken in custody upon his surrender on 25.2.2020. He submits that the prosecution has already examined all the witnesses and the case is fixed for the recording of the statement of accused under Section 313 Cr.P.C.

Considering the above background, and the fact that the petitioner never misused the concession of bail, but absented once from trial on 18.12.2019. It is not disputed that the petitioner himself surrendered before the trial Court, therefore, considering the stage of the trial as well, this Court does not find any reason to decline the prayer of the petitioner for grant of regular bail.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

August 14, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No