

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

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**CRM-M No.24440 of 2020
Date of decision:01.09.2020**

Pintu Paswan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Monty Goyal, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened 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.112, dated 17.04.2015 registered under Sections 15/18/21/22 of NDPS Act, 1985 at Police Station Dakha, District Ludhiana.

Counsel for the petitioner submits that the recovery allegedly effected from the petitioner was actually planted on him. The petitioner was arrested on 01.03.2016 and was granted regular bail by the trial Court on 25.04.2016. After the framing of the charges, he was appearing regularly before the trial Court. In the year 2017, he was informed by the Clerk of his counsel that he has been acquitted and there was no need for

him to appear any further. He stopped appearing before the trial Court from the month of July, 2017. After following the due process, the trial Court declared the petitioner as a proclaimed offender on 06.12.2017. The petitioner was arrested on 13.03.2020 and is in custody since then. Counsel submits that the petitioner undertakes to appear before the trial Court on all the dates, as and when his presence is required and there will be no default on his part.

State counsel, upon instructions from ASI Avtar Singh, opposes the petition on the ground that the petitioner was not only declared as a proclaimed offender but was involved in two other cases under the NDPS Act. He has been instructed to state that in FIR No.72 of 2017 registered under Section 15 of the NDPS Act, at Police Station Dhaka, District Ludhiana (Rural), though the petitioner was named in the FIR on the basis of secret information but no recovery was effected from him nor he was named in the challan. His further instruction is that in the second FIR bearing No.96 of 2012 registered under Section 22 of the NDPS Act, at Police Station Dhaka, District Ludhiana (Rural), the petitioner was acquitted.

I have considered the rival submissions of the parties.

Taking into consideration, the above facts and circumstances, this Court is of the view that the lapse on the part of the petitioner deserves to be condoned. Keeping in view his period of incarceration and that the conclusion of the trial is likely to take time, 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/surety bonds to the satisfaction of trial Court/Duty Magistrate.

01.09.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No