

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 228

CRM-M-33151-2020

Date of decision : 15.12.2020

Rajinder Singh @ Dear

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.D.N.Ganeriwala, Advocate, for the petitioner.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.28 dated 26.03.2015, registered under Sections 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bajakhana, district Faridkot.

On 26.03.2015 the petitioner was arrested for allegedly being in illegal possession of 500 grams of opium. On 08.05.2015 the Trial Court granted him bail which he jumped on 20.01.2018 to be re-arrested on 19.06.2020. The petitioner then sought regular bail from the Trial Court on rejection of which he has knocked the doors of this Court through the present petition for the same relief.

Seeking regular bail for the petitioner learned counsel submits that the alleged recovery of 500 grams of opium is classified as non commercial quantity; there is no other criminal case in which the petitioner is involved; he jumped bail on account of certain mis-communication between him and his counsel appearing for him before the Trial Court; he

undertakes to appear before the Trial Court on each and every date in future unless specifically exempted and for the mistake committed on his part he has already suffered custody for nearly six months.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was declared a proclaimed offender and if he is released on bail he is likely to flee from justice.

The petitioner is being prosecuted for alleged recovery of 500 grams of opium which is classified as non commercial quantity; there is no other criminal case in which he is involved and for having jumped bail he has been in custody for the last about six months.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail and it is so ordered. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridkot, who shall insist on heavy surety/security from the petitioner, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

15.12.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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