

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 40579 of 2019

Date of Decision: 12.2.2020

Kamaljit @ Gosha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ish Puneet Singh, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner seeks regular bail in FIR No. 18 dated 27.2.2012 under Sections 323, 341, 379, 148, 149, 120-B IPC registered at Police Station Nurmahal, Jalandhar.

Learned counsel for the petitioner submits that the FIR in question was registered way-back in 2012 and after presentation of challan, the petitioner had been regularly appearing before the Court below but could not appear on 23.5.2017 and his bail bonds were forfeited to the State and non-bailable warrants were issued against him and was declared proclaimed offender by the trial Court, vide order dated 31.7.2017. He further submits that the petitioner surrendered before the trial Court on 10.6.2019 and since then he is in custody. Learned counsel also states that the petitioner is a drug addict and as per the certificate dated 30.7.2017 issued by Drug Counselling and Rehabilitation Centre (Annexure P-2), the petitioner remained admitted there and he was not physically and mentally

fit to perform his duties. Learned counsel also submits that one of the co-accused has been acquitted by the trial Court vide judgment dated 29.9.2017 (Annexure P-3).

Learned State counsel, on instructions from SI Atamjeet Singh, submits that there are three other co-accused who were declared proclaimed offenders by the trial Court. He further submits that a case under the Arms Act is also pending against the petitioner.

The petitioner has been in custody since 10.6.2019. The trial will take time to conclude. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

February 12, 2020
Gurpreet

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