

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 4652-2021 (O&M)

Date of Decision: February 26, 2021

Hira Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harchand Singh Batth, Advocate
for the petitioner.

Ms. Samina Dhir, Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.76 dated 06.09.2016 registered under Sections 21 and 29 of the NDPS Act at Police Station Sadar, Moga, District Moga.

Learned counsel for the petitioner would argue that the petitioner was arrested under the said FIR on 06.09.2016 and thereafter was allowed regular bail by the High Court vide order dated 14.12.2016 passed in CRM-M No.38293 of 2016. He would further submit that the petitioner was appearing regularly under the said matter, however, on account of not being available on 19.10.2019, his bail stood cancelled and he was declared proclaimed offender by the trial Court. He was subsequently arrested and since then he is in custody. It is submitted that evidence of the prosecution is almost over, however, the defence witnesses are yet to be examined.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner by contending that the petitioner deliberately abstained from putting in an appearance and therefore, was declared as proclaimed offender. Therefore, he would not be entitled to grant of concession of bail.

I have heard learned counsel for the parties and have perused the paper book. In view of the fact that the petitioner had initially been allowed regular bail by the High Court and was putting in appearance till the time he absconded, this Court prima facie is of the view that he should be allowed regular bail since the trial is not likely to conclude in near future. The instant petition is accordingly allowed and the petitioner is directed to be released on regular bail on execution of heavy personal/surety bond in the sum of Rs.1 Lac each to the satisfaction of concerned trial Court/Duty Magistrate to ensure that he does not abscond again.

However, any observation made herein shall not be construed to be an expression on merits of the case.

26.02.2021

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No