

224.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12679-2021

Date of decision: 25.03.2021.

BALVEER @ BOBBY

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Mohit Kakkar, Advocate,
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.214 dated 29.08.2016 registered under Section 22 of NDPS Act, 1985 and Section 411 of IPC, at Police Station Division-7, District Jalandhar.

Learned counsel for the petitioner submits that it is on account of noting a wrong date i.e. 16.07.2019 instead of 15.07.2019, the petitioner could not appear before the trial Court which led to cancellation of his bail and forfeiture of bail bonds and surety bonds to the State. The petitioner approached this Court by way of **CRM-M-48893-2019** titled as **Balveer @ Bobby Versus State of Punjab**. This Court vide order dated 25.11.2019 disposed of the said petition with the observation that in case the petitioner surrenders before the trial Court within 10 days from that date and apply for

bail, the same shall be decided by the court within one week from the date of making such application for bail.

He further submits that before the petitioner could surrender before the trial Court, he was declared proclaimed offender by the court on 30.11.2019 and was arrested by the police on 18.12.2020 and since then, he is in custody.

Learned State counsel though has not disputed the custody, however, he submits that as per the instructions, the petitioner was declared PO on 10.12.2019.

I have heard learned counsel for the parties.

As apparent from the order dated 14.01.2021 passed by the learned Judge, Special Court, Jalandhar, the petitioner was declared PO vide order dated 30.11.2019 and was arrested on 18.12.2020. The pleaded ground for his absence from appearance is that the petitioner noted a wrong date. The co-accused Mandeep @ Babbu who faced the trial along with the petitioner has been acquitted by the trial Court.

Be that as it may, but noticing the fact that the petitioner is in custody since 18.12.2020 and the co-accused has been acquitted by the trial Court, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, the petitioner shall submit an undertaking that in future, he shall not remain absent and will cooperate with the trial.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

25.03.2021
sanjeev

Whether speaking/reasoned	Yes/No.
Whether Reportable:	Yes/No.