

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

**CRM-M No.16336 of 2021 (O&M)
Date of Decision :06.08.2021**

Parminder Singh @ Soni

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr.Chandan Singh Rana, Advocate for the petitioner.
Ms. Bhavna Gupta, DAG, Punjab.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

The petitioner, vide this petition under Section 439 of Cr.P.C.
prays for a regular bail in FIR No.107 dated 11.09.2013, under Sections
15/25/61/85 of NDPS Act, registered at Police Sation Jodhan District
Ludhiana.

As per the prosecution version recovery of 56 KG of poppy
husk was caused from the possession of the petitioner on 11.09.2013.

Learned counsel for the petitioner submits that earlier the
petitioner was enlarged on bail by this court vide order dated 29.04.2014.
For owing to his illness he absented from the Court proceedings from
17.05.2017, under Section 82 of Cr.P.C. he was declared proclaimed
offender vide order dated 02.12.2017. He was re-arrested on 24.07.2020 and
since then he is in custody. It is urged that the quantity of contraband
recovered from the petitioner was marginally higher than the non-

commercial quantity. Further, the trial had not made any progress as charges are yet to be framed. Therefore, the petitioner who had suffered incarceration for a sufficiently long period is entitled to bail.

As opposed to this, learned State counsel submits that the recovery caused from the petitioner being commercial in nature and he having absented from the Court proceedings for a period of more than 2 years and 8 months has dis-entitled himself to be granted concession of bail. However, she fairly submits that the supplementary challan has since been presented on 13.01.2021, the charges have not yet been framed. The period for which the petitioner is in custody is not disputed.

Concededly, the petitioner, who was arrested on 11.09.2013, was released on bail by this court on 29.04.2014. Whereafter he regularly attended the Court proceedings. However, he absented w.e.f. 17.05.2017 and was re-arrested on 24.07.2020. Meaning thereby, he has been in custody for a period of 1 year and 8 months (from 11.09.2013 to 29.04.2014 and thereafter from 24.07.2020 to date i.e. 6.8.2021). Significantly, the quantity of contraband purport to have been recovered from the petitioner (56 KG of poppy husk) is marginally higher than the non-commercial quantity. For, charges are yet to be framed, there is a remote possibility of the trial being concluded in the immediate future. Particularly in view of the crises the nation is faced with owing to prevalent pandemic. Upon being pointedly asked, learned counsel for the petitioner as also the State counsel submit that the petitioner does not have any antecedents for, he is not involved in any similar case under the NDPS Act.

In the wake of the above and without adverting to the merits of

the case this Court considered it appropriate to enlarge the petitioner on regular bail.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate. Nothing expressed hereinabove shall constitute an expression of any opinion on the merits of the case of either parties.

(ARUN PALLI)
JUDGE

06.08.2021
Manoj Bhutani

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