

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

CRM-M No.16797 of 2021 (O&M)
Date of Decision.28.04.2021
(HEARD THROUGH VC)

Mohd. Gufran

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. C.L.Verma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.111 dated 18.06.2016 under Section 18 of the NDPS Act registered at Police Station GRP, Ludhiana, District Ludhiana.

Learned counsel for the petitioner *inter alia* would contend that the petitioner had initially been allowed regular bail by an order dated 12.08.2016 by the Special Court, Ludhiana, taking into consideration the fact that the alleged recovery effected from him falls under non-commercial category. It is further submitted that he appeared regularly before the trial Court, however, on 17.04.2018, he was declared as a proclaimed offender as he did not put in appearance on that date on the mis-appreciation that he had been acquitted. It is contended that thereafter he had been arrested on 16.01.2021 and since then he is in custody. It is also argued that the alleged recovery of opium is 1 kg 500 gm, which falls under non-commercial category. The matter has been investigated and the challan stands presented and therefore, prays for concession of bail to the petitioner.

Learned counsel appearing for the respondent-State opposes grant of bail to the petitioner by contending that he did not appear before the trial Court and therefore, right declared as a proclaimed offender.

I have heard learned counsel for the parties. Keeping in view the fact that the matter has already been investigated and the challan stands presented and the fact that owing to COVID-19 pandemic, the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond of Rs.1 lakh to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

April 28, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No