

CRM-M No. 18285 of 2020
Date of Decision:16.03.2021

HARPAL SINGH @ PALLY ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Liaqat Ali, Advocate, for the petitioner.

Mr.Randhir Singh Thind, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 Cr.P.C. for the grant of regular bail in case FIR No.27 dated 18.03.2017 registered under Sections 22 and 29 of NDPS Act, 1985 at Police Station Sadar Raikot, District Ludhiana.

Mr. Liaqat Ali, Advocate puts in appearance on behalf of the petitioner and filed his Power of Attorney through e-mail with no objection from the previous counsel. The same is taken on record.

Custody certificate by way of affidavit of Deputy Superintendent, Central Prison, Ludhiana dated 16.03.2021 filed by the State through e-mail, is taken on record.

Learned counsel for the petitioner states as the petitioner's wife was/is suffering from cancer, he could not attend the proceedings before the

trial Court, which had resulted into him being declared as a proclaimed offender on 06.06.2018. It is further submitted that there was no wilful default on the part of the petitioner in absconding the proceedings before the trial Court. It is further submitted that co-accused – Harbans Singh @ Vicky, was acquitted of the charges framed under Sections 22 and 29 of the NDPS Act, vide judgment dated 17.11.2018 passed by the learned Special Court, Ludhiana and taking into consideration the said fact, the incarceration of the petitioner is not justified.

On the other hand, learned State counsel, on instructions from ASI- Harpal Singh, has pointed out that the petitioner was arrested on 18.03.2017 and was granted bail on 26.04.2017. But later on the petitioner absconded the proceedings and he was declared proclaimed offender vide order dated 06.06.2018. Later, he was re-arrested on 09.10.2019. It is further submitted that another case bearing FIR No. 279 dated 10.08.2018 under Sections 420, 465, 467, 468, 471 IPC was registered against the petitioner at Police Station Division No. 5, District Ludhiana. Thus, taking into account his criminal antecedents, the petitioner is not entitled to the concession of regular bail.

I have heard the learned counsel for the parties.

The ground put forth by the petitioner for his absconding the trial is devoid of merit. Mere fact of the co-accused has earned acquittal, is no ground to justify the mid-way escaping the trial proceedings by the petitioner. Moreover, FIR No.279 dated 10.08.2018 stands registered against the petitioner for having produced a forged death certificate by the

brother of the petitioner in the Court with an intention to seek abatement of the proceedings qua him. Thus, he had not only absconded the proceedings, but also tried to scuttle the same by producing his forged death certificate.

The circumstances narrated above do not warrant his release on regular bail. Hence, the present petition is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

March 16, 2021

Jyoti-IV

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