

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

CRM-M No.34416 of 2021 (O&M)

Date of Decision:10.11.2021

Mani Singh @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

CRM No.29148 of 2021

Application is allowed.

Annexures A-1 and A-2 are taken on record.

CRM-M No.34416 of 2021

This is a petition that has filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in FIR No.177 dated 30.09.2018 under Sections 21, 22, 61 of the NDPS Act registered at Police Station Islamabad, District Police Commissionerate Amritsar.

Learned counsel for the petitioner would contend that the petitioner had been released on interim bail by Additional Sessions Judge, Amritsar in the aforesaid matter till report of chemical examiner is received in terms of judgment rendered by Division Bench of this Court in *Inderjit Singh @ Ladi Vs. State of Punjab* in CRM-M No.1140 of 2012 on 30.01.2014. However, due to miscommunication between the counsel and the petitioner, he could not attend the court proceedings and thus, was

declared proclaimed offender vide order dated 29.02.2020. He was again re-arrested on 19.03.2021 and since then he is in custody. It is argued that recovery effected in the said matter is of 100 gms of heroin and 980 tablets of Alprazolam from a car in which four persons were travelling, which is a non-commercial quantity. The petitioner was an innocent passenger in the said car and no recovery had been effected from his conscious possession. It is further argued that other co-accused have already been granted concession of regular bail by this Court vide order dated 08.01.2020 passed in CRM-M No.54910 of 2019 and order dated 01.10.2020 passed in CRM-M No.29836 of 2020. The trial is likely to take some time to conclude as out of 12 witnesses cited, only 2 witnesses have been examined and thus, prays for grant of regular bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State opposes grant to bail to the petitioner by contending that the petitioner did not put in appearance before the trial Court and consequently, was declared as a proclaimed offender and two other cases are pending against the petitioner in which he came to be nominated as an accused during the time he had jumped bail.

I have heard learned counsel for the parties and have perused the paper book. Keeping in view the fact that the recovery effected from the car in which four persons were travelling is of 100 gms of heroin, which is a non-commercial quantity and the co-accused have already been granted regular bail by this Court and the fact that the trial is likely to take some time to conclude as out of 12 witnesses cited, only 2 witnesses have been examined, no useful purpose would be served in keeping the petitioner

behind bars. Consequently, the instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate. However, any observations made hereinbefore shall not be construed as an expression on merits of the case and is limited only for the purpose of decision of the instant bail petition.

November 10, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

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