

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM No. M-41430-2021

Date of Decision : 07.10.2021

Rajinder Singh @ Raju

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 109, dated 17.07.2014, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sarhali, District Tarn Taran.

Learned counsel for the petitioner argues that the petitioner was granted the benefit of regular bail initially but the petitioner absented himself from proceedings and was thereafter declared proclaimed offender on 20.01.2016 and was ultimately arrested on 07.12.2020. Learned counsel for the petitioner submits that the petitioner is behind bars for the last more than 10 months and hence, he be granted the benefit of regular bail, especially, in view of the fact that co-accused of the petitioner has already been convicted and sentenced to undergo imprisonment for a period of two months and the petitioner has already undergone the incarceration for a

period of 10 months after being arrested in December, 2020.

Notice of motion.

Mr. Ramdeep Partap Singh, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel though concedes that the co-accused, who was also facing trial in the same FIR, has been convicted and sentenced for a period of two months but submits that as the petitioner violated the terms and conditions of the bail and remained absent from the proceedings for a period of 06 years, the petitioner be not granted the benefit of regular bail keeping in view his conduct.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, the conduct of the petitioner is deplorable that he misused the concession extended by the Court while granting him the benefit of bail but keeping in view the facts and circumstances of this case as co-accused of the petitioner has been convicted and sentenced for a period of 02 months and the petitioner is already behind the bars for more than 10 months after being arrested in December, 2020, he has already suffered enough incarceration for jumping the bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach

this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 07, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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