

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

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**CRM-M-41275-2020 (O&M)
Date of Decision : 08.02.2021**

Dharminder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The case has been taken up for hearing through video conferencing.

CRM-2652-2021

For the reasons mentioned in the application, the same is allowed and copies of order dated 16.10.2020 passed by Rajasthan High Court and orders dated 25.05.2021 and 12.04.2019 passed by the trial Court are taken on record as Annexure P-5 to P-7.

CRM-M-41275-2020

The petitioner has filed the present first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.143 dated 20.11.2014 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') in Police Station Sardulgarh, District Mansa.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Sh. Amarjit Singh, PPS, Deputy Superintendent of Police, Sub-Division Sardulgarh, District Mansa in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The petitioner was arrested in the present case on 20.11.2014 but he was granted default bail vide order dated 20.05.2015. The petitioner absented on 02.05.2018 due to apprehension of his arrest and false implication in some other case. The petitioner was declared proclaimed offender vide order dated 31.01.2019 in breach of the prescribed procedure as the petitioner had been arrested by the police in case FIR No.197 dated 05.12.2018 registered under Sections 302/34 of the Indian Penal Code, 1860 and Sections 3/27 of the Arms Act, 1959 in Police Station Padu Kalan, District Nagaur, Rajasthan. The petitioner was released on bail in the said case in compliance with order dated 16.10.2020 but he was arrested in the present case on 24.10.2020. The petitioner is ready to comply with the terms and conditions to be imposed regarding his presence before the trial Court. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner absented during trial and misused the concession of bail.

The petitioner does not deserve grant of fresh regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, explanation given for the absence of the petitioner and also the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that the petitioner shall not commit any offence under the NDPS Act after his release on bail and in case of commission of any offence under the NDPS Act by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

08.02.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No