

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

CRM-M No.114 of 2021 (O&M)
Date of Decision.12.01.2021
(Heard through VC)

Sukhwinder Singh @ Shinda

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular to the petitioner in FIR No.76 dated 06.09.2016 registered under Sections 21, 29 of the NDPS Act at Police Station Sadar, Moga, District Moga.

Learned counsel for the petitioner would argue that the petitioner was arrested under the said FIR on 06.09.2016 and thereafter was allowed regular bail by the High Court vide order dated 02.12.2016 passed in CRM-M No.42145 of 2016. He would further submit that the petitioner was appearing regularly under the said matter, however, on account of not being available on 19.10.2019, he was declared proclaimed offender by an order dated 10.01.2020 by the trial Court and was subsequently, arrested on 05.11.2020. He is in custody since then. It is submitted that evidence of the prosecution is almost over, however, the defence witnesses are yet to be examined.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner by contending that the

petitioner deliberately abstained from putting an appearance and therefore, declared as proclaimed offender and was arrested thereafter. Therefore, he would not be entitled to grant of concession of bail.

I have heard counsel for the parties and have perused the paper book.

In view of the fact that the petitioner had initially been allowed regular bail by the High Court and was putting in appearance till the time he absconded, this Court *prima facie* is of the view that he shall be allowed regular bail since the trial is not likely to conclude in near future. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of heavy personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate to ensure that he does not abscond again. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

January 12, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No