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

CRM-M-5508-2022

Date of Decision: 25.02.2022

Harpreet Singh alias Harry alias Danny

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ritesh K. Sharma, Advocate,
for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR No.167, dated 23.08.2017 under Sections 22, 61 & 85 of the NDPS Act, 1985, registered at Police Station Rama Mandi, Jalandhar, District Jalandhar.

It has been submitted by learned counsel for the petitioner that the petitioner was arrested in the present case and the alleged recovery was of a non-commercial quantity and he was earlier granted bail by the learned trial Court, but thereafter since he did not present himself on a particular date, therefore, he was declared as a Proclaimed Offender and thereafter he was arrested by the Police. His non-attendance in the Court was because of Covid-19 Pandemic. He further submitted that since the petitioner is an HIV patient, therefore, the petitioner may be considered for the grant of regular

bail.

Mr. A.K. Kaundal, learned State counsel has submitted that after grant of bail, the petitioner absented himself on 03.01.2020 and was declared as a Proclaimed Offender on 02.07.2021 and thereafter he was arrested on 27.12.2021. Hence the petitioner remained absent before the Court for the last period of 2 years. He also submitted that in the aforesaid factual position, the petitioner is not entitled for the grant of regular bail especially when he is an accused in the NDPS matter. He further submitted that so far as the HIV infection of the petitioner is concerned, regular treatments are granted in the jail or in the appropriate Government Hospital and in Special Clinic as well. In case the petitioner requires any other kind of treatment for his disease then the same will be suitably provided to him.

I have heard the learned counsel for the parties.

The petitioner after grant of bail has jumped the bail and was declared as a Proclaimed Offender and after about a period of 2 years, he was arrested. Therefore, no ground is made out for grant of regular bail to the petitioner at this stage. Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

25.02.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |