

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

**CRM-M-7012-2022 (O&M)
Decided on 23.02.2022
(Heard through VC)**

SUSHIL RANA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Mr. A. S. Gill, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.192 dated 20.09.2015 registered under Sections 21, 61 and 85 of the NDPS Act at Police Station City Ferozepore, District Ferozepur.

Learned counsel for the petitioner would contend that the petitioner herein has falsely been implicated in the present case of alleged recovery of 260 grams of heroin from his person. On arrest, he applied for regular bail before the High Court by way of filing the criminal miscellaneous petition. On the said petition, the High Court directed the trial Court to complete the trial within the period of five months, failing which, the petitioner would be enlarged on bail. As the trial Court could not complete the trial within the stipulated period, the petitioner was bailed out. Thereafter, the petitioner absented himself before the trial Court and has

been declared proclaimed offender. However, he voluntarily surrendered before the trial Court on 16.09.2021. In the meantime, his co-accused has been sentenced to undergo rigorous imprisonment for 10 years along with payment of fine. The co-accused has been released on bail by suspending his sentence. It is further submitted that after the petitioner surrendered, the trial Court is not proceeding as almost 13 hearings have lapsed without any effective order coming forth. It is argued that alleged recovery of 260 grams of heroin from the petitioner is marginally higher than the commercial quantity and no other case is pending against the petitioner. Thus, he prays for regular bail.

Per contra, learned State counsel opposes the grant of regular bail by contending the petitioner herein absconded after bail had been allowed to him. It is submitted that there is every likelihood that the petitioner herein would again abscond. However, the State counsel is not in position to deny the fact that the petitioner, after absconding, voluntarily surrendered before the trial Court on 16.09.2021.

I have heard counsel for the parties and have also perused case file.

In view of the facts that the petitioner herein was on regular bail which he jumped and voluntarily surrendered thereafter and trial has not progressed further owing to COVID-19 pandemic conditions, no useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular

bail on execution of personal and surety bond of heavy amount to the satisfaction of concerned Illaqa Magistrate/trial Court.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no effect on the merits of the case.

23.02.2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No