

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7664-2022

DATE OF DECISION: FEBRUARY 25, 2022

HARMINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: DR. D.P.S. RANDHAWA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.25 dated 11.6.2012, under Section 21 NDPS Act, Police Station Pojewal, District SBS Nagar, who is in custody since his arrest on 5.2.2022.

The allegations contained in the FIR as noticed by the Judge, Special Court, Shaheed Bhagat Singh Nagar, in the order dated 12.2.2022, are as under:-

“Brief facts of the case of the prosecution as contained in the FIR are that on 16.06.2012, a police party headed by SI Goldy Virdi was present in the area of village Hiyatpur Rurki in connection with patrolling and checking of suspected persons where at about 06.00 p.m. two motorcyclists were seen coming. Sandeep Singh was apprehended by the spot whereas, the present applicant/accused succeeded in escaping from the spot. Upon search of Sandeep Singh, 10 grams Heroin was recovered which was seized by the police after

converting the same into parcel. After completion of investigation, challan was present and vide order dated 06.04.2013 the present applicant/accused was declared as proclaimed offender.”

Learned counsel for the petitioner has argued that the alleged contraband (10 gms. of heroin) was recovered from his co-accused, namely, Sandeep Singh whereas, as per prosecution, the petitioner who was a pillion rider on a two-wheeler driven by co-accused escaped from the spot. He has drawn the attention of the Court to the order dated 21.6.2011, and submitted that he was extended the concession of pre-arrest bail, but during the pendency of the trial, he left India and was declared Proclaimed Offender on 6.4.2013 and the trial in respect of his co-accused ended in his conviction with sentence of 1 month, which stands served by the said co-accused. According to him, the petitioner returned to India to solemnize his marriage on 31.1.2022 and was arrested on 5.2.2022. He prays for bail as his further custody may not be necessary.

On the other hand, learned State counsel assisted by ASI Balwinder Singh has opposed the aforesaid prayer on the ground that the petitioner was well aware of the trial proceedings and absented himself without the permission from the trial Court. However, it is not disputed that the recovered contraband falls within small quantity and no recovery was effected from the petitioner.

Considering the above background, and the fact that conclusion of the trial qua him would take considerable time, therefore, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the

case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned and with following conditions:-

- (i) that the petitioner shall not leave India without the prior permission of the trial Court;
- (ii) that the petitioner shall continue to attend the trial in accordance with the conditions of the bond.

The petition is allowed.

February 25, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No