

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

Sr. No.211-2

CRM-M-8585-2021

Date of decision: 02.03.2022

Satpal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jashandeep Sandhu, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.117 dated 16.08.2020, registered under Sections 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Abohar, District Fazilka.

On 01.09.2021, this Court had passed the following order:-

“The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.117 dated 16.08.2020 registered under Sections 22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Sadar Abohar, district Fazilka.

Briefly stated, the petitioner is being prosecuted for having been found in illegal possession of 309.05 grams of Tramadol and 29.06 grams of Alprazolam.

Seeking regular bail, learned counsel for the

petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has no criminal antecedents; the alleged recovery of Alprazolam tablets is 29.06 grams which is classified as “non-commercial” under the NDPS Act; the alleged recovery of 309.05 grams of Tramadol is slightly more than the prescribed commercial quantity of 250 grams; no prosecution witness has been examined; the delay in trial is not attributable to the petitioner; the petitioner is in custody for the last over one year and that the petitioner's trial in which 20 prosecution witnesses still remain to be examined will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found to be in illegal possession of 309.05 grams of Tramadol and 29.06 grams of Alprazolam and that if released on bail he may indulge in similar offences.

On one hand the petitioner has been in custody for over one year; investigation of the case is complete and the petitioner's trial is not progressing, while on the other hand the aforesaid narcotics have allegedly been recovered from him.

After considering the totality of the above facts, while adjourning the present petition to 07.01.2022, it is considered just and appropriate to direct that subject to the satisfaction of the CJM/Duty Magistrate, Fazilka the petitioner be released on interim bail till 31.12.2021.

It is clarified that on the adjourned date, subject to the petitioner's surrender, further orders in the present petition would be passed on its merits after considering the conduct of the petitioner and progress in his trial.”

In pursuance to the afore-quoted order, the petitioner was released on interim bail and was required to surrender on or before 31.12.2021 but he has not.

In the light of the above deplorable conduct of the petitioner, the present petition is ordered to be dismissed.

The SSP, Fazilka, is directed to take all appropriate steps as per law to rearrest the petitioner.

March 02, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No