

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

Sr. No.212

CRM No.M-9299 of 2022

DATE OF DECISION: April 07, 2022

Mani Ram

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Harsh Manocha, Advocate, for the petitioner.

Mr. Arun K. Kaundal, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

This is the second petition for grant of regular bail in FIR No. 262 dated 21.12.2017 registered at Police Station Division 6, Ludhiana under Section 22 of NDPS Act, 1985.

The petitioner was earlier granted regular bail vide order dated 26.09.2018. It was cancelled vide order dated 04.10.2021 as the petitioner had failed to appear before the trial Court. Thereafter, he has been arrested on 15.11.2021 and the present bail petition has been filed.

Learned counsel for the petitioner submits that the petitioner could not appear before the trial Court as he had gone to his home town during the Covid period. Before that, he has appeared on every date and has never defaulted. He is a first offender and keeping in view the period of custody which is in excess of one year, he may be granted regular bail.

Custody certificate dated 06.04.2022 has been submitted in Court. The same is taken on record. According to this certificate, the petitioner has been in actual custody for 01 year, 02 months and 01 day and there is no criminal case pending against him.

Learned State counsel submits that out of a total of 12 PWs, 10 PWs have been examined and the next date of hearing is 18.04.2022. Since the trial is likely to conclude in a short period, the petitioner does not deserve regular bail.

Considering the fact that the petitioner is a first offender and has been in custody for 01 year, 02 months and 01 day, I deem it appropriate to grant him regular bail. Even though only two PWs remain it cannot be stated that the trial would conclude at an early date. It may still extend to about six months as the defence may also want to lead evidence.

The petition is allowed and it is directed that the petitioner be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall also undertake not to go to his home town without the permission of the trial Court.

April 07, 2022*Ankur***(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned Yes

Whether Reportable No