

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

CRM-M-13275-2022 (O&M)

Date of decision: 04.04.2022

Ranjit Singh @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Naresh Kumar, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 103 dated 11.05.2017, registered under Section 22 of the NDPS Act, at Police Station Tanda, District Hoshiarpur.

Custody certificate dated 02.04.2022 issued by the Superintendent, Central Jail, Hoshiarpur, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that as per the prosecution version, the petitioner was driving the motor cycle, and the recovery of 40 grams of intoxicant powder was effected from the right pocket of his pant; that recovery of 60 grams of intoxicant powder was effected from co-accused (pillion-rider) Lovejeet Singh @ Lakha, was effected from right pocket of his pant; that the petitioner was granted regular bail by the learned trial Court vide order dated 12.06.2017; that on one date, the petitioner could

not appear before the Court below and he was declared a proclaimed offender on 24.04.2018 and he surrendered on 18.01.2022, since then the petitioner has been in custody and that the recovered contraband falls under the non-commercial quantity.

Learned State counsel, while vehemently opposing the prayer for bail submits that the recovery from both the accused was effected from their conscious possession and the petitioner absented himself from the Court proceedings for the last more than 3 years. However, he does not dispute the custody period of the petitioner and that the contraband recovered from the petitioner falls under the non-commercial quantity. He submits that out of 11 prosecution witnesses, on 06 have been examined so far.

I have heard the learned counsel for the parties.

While on bail, the petitioner was declared a proclaimed offender on 24.04.2018. Petitioner is in custody since 18.01.2022. The contraband recovered from the petitioner falls under the non-commercial quantity. The remaining prosecution witnesses are yet to be examined. The conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

04.04.2022
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No