

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

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CRM-M-13780-2022 (O&M)
Date of decision: 14.07.2022

MANGAL SINGH ALIAS TOTA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Ajiteshwar Singh, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.200 dated 24.12.2017 under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Lambra, Jalandhar Rural.

Learned counsel for the petitioner contends that the petitioner was arrested on being found in possession of 5 grams of heroin and 122 grams of intoxicant powder, which would fall under the category of non-commercial quantity. He contends that the petitioner was earlier released on regular bail, however, the petitioner failed to appear before the trial Court on the date fixed as a result whereof, the petitioner was declared a proclaimed offender vide order dated 07.11.2020 and the petitioner was thereafter arrested on 25.12.2021 and has been in custody since then.

Learned counsel contends that the petitioner being employed as a driver and going to different places with the vehicle and in the said process forgot to keep track of the case and he undertakes to remain present on the dates that may be subsequently fixed by the trial Court and further undertakes not to remain absent

except without seeking permission from the Court on the further dates.

Learned State counsel on the other hand points out that the petitioner was apprehended with the contraband and that the proceedings in the trial had been delayed substantially on account of the petitioner being declared as a proclaimed offender.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration that the petitioner was earlier released on bail and has already undergone an actual custody of nearly 7 months after his arrest on 22.12.2021 and that the trial has not proceeded any further despite the petitioner being taken into custody since the month of December 2021, I deem it appropriate to enlarge the petitioner on bail.

It is also directed that the petitioner shall deposit a cost of Rs.5,000/- with the District Legal and Services Authority, Jalandhar.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 14, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>