

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

CRM-M-17656-2021

Date of decision: 07.04.2022

Ram Lubhaya

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S.Duggal, Advocate for
Mr. Subhash Kumar, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.44 dated 28.05.2015 registered under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Lambran, District Jalandhar City, who is custody since his arrest on 20.11.2020.

As per the prosecution case, 125 gram intoxicant powder (containing alprazolem) was recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner has argued that the alleged contraband (125 gram intoxicant powder) recovered from the petitioner is marginally above than the non-commercial quantity and though initially, he was released on regular bail by trial Court under Section 167 (2) Cr.P.C., but subsequently during trial proceedings, he absented and his bail was cancelled on 20.11.2017. Learned counsel further submits that the petitioner after his re-arrest on 20.11.2020 is in judicial custody. He prays for bail.

On the other hand, learned State counsel assisted by ASI Karnail Singh has opposed the prayer and argued that the petitioner absented from the trial proceedings and was declared proclaimed offender on 31.05.2018, however, it is not disputed that the total custody of the petitioner is one year and eleven months. He on instructions further states that only two prosecution witnesses have been examined so far out of total 13 witnesses. He has produced the custody certificate dated 06.4.2022 filed by way of affidavit of Adarsh Pal Singh, Superintendent Central Jail, Kapurthala, which indicates that no other case is pending against the petitioner.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as eleven prosecution witnesses remain to be examined, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 20.11.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

07.04.2022.

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No