

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-16580-2022

Date of Decision: 18.7.2022

Naresh Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Ms. Jaspreet Kaur, AAG, Punjab.

KARAMJIT SINGH, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.83 dated 15.5.2017 registered for the offences punishable under Sections 22 of NDPS Act at Police Station City Moga, District Moga.

Counsel for the petitioner submits that earlier the petitioner was granted default bail by the trial Court vide order dated 15.11.2017 and thereafter, the petitioner was regularly appearing and subsequently, he was arrested in some other case, as a result of which, the petitioner failed to join the proceedings before the trial Court in the present case and consequently, his bail order was cancelled by the trial Court vide order dated 16.11.2021 (Annexure P-2). Counsel further contends that thereafter, the petitioner was formerly re-arrested in the present case in March, 2022 and since then, he is languishing in jail and it will take time for trial to conclude.

State counsel on instructions from ASI Ajit Singh has not refuted the fact that initially, the petitioner was granted default bail and thereafter, he remained appearing in the trial Court. State counsel further submits that on 16.11.2021, the petitioner got absented and consequently, the trial Court passed order Annexure P-2 whereby his warrants of arrest were issued. State counsel has not disputed the fact that subsequently, the petitioner was arrested in the present case in March, 2022 and is presently lodged in jail and that trial is going on.

Admittedly, it will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

July 18, 2022

Paritosh Kumar

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No