

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21474-2022 (O&M)

Date of decision:21.10.2022

Jaiveer Singh

... Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Parunjeet Singh, Advocate for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

CRM-24349-2022:

Application is allowed as prayed for. The accompanying documents at Annexures P-6 to P-11 are taken on record.

Application is disposed of.

Main case:

Status report by way of affidavit dated 20.10.2022 of the Deputy Superintendent of Police (Rural), Patiala has been filed by learned State counsel and the same is taken on record. Copy thereof has been furnished to counsel opposite.

Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner pending trial in case FIR No.58, dated 08.06.2015, under Sections 15/61/85 of the NDPS Act read with Sections 465/468/471/489/120-B IPC, registered at Police Station Julkan, District Patiala.

Learned State counsel has opposed the prayer for grant of regular bail stating that a recovery of 40 kgs. of poppy husk has been

effected. Further submitted that the petitioner had been declared proclaimed offender and as such, does not deserve the concession of regular bail. Still further, learned State counsel would submit that the petitioner does not possess clean antecedents.

Be that as it may, in the present case, the alleged recovery was effected on 08.06.2015. Petitioner having evaded trial proceedings was declared a proclaimed offender on 21.02.2017. Thereafter, he was arrested on 09.03.2020. Court has been informed that in the trial that has ensued, out of 15 prosecution witnesses cited, 2 have been given up and only 1 has been examined till date.

Trial, as such, would take time to conclude.

After his arrest on 09.03.2020 post his having been declared proclaimed offender, petitioner has faced incarceration for a period in excess of 2 ½ years.

Petitioner is not stated to be involved in any other case under the NDPS Act.

In view of the above and without making any observations on merits, petition is allowed.

Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

21.10.2022
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

(I)	Whether speaking/reasoned?	Yes/No
(II)	Whether reportable?	Yes/No