

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

CRM-M-20708-2022(O&M)

Date of Decision:. 21.10.2022

Gurpreet Singh @ Gopi @ Gurpartap Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. L.S.Sekhon, Advocate for the petitioner.

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

TEJINDER SINGH DHINDSA, J. (ORAL)

This is the fourth petition preferred under Section 439 Cr.P.C. seeking regular bail to the petitioner pending trial in FIR No. 29 dated 23.02.2015, under Section 21 of the NDPS Act, 1985, registered at Police Station Sarhali, District Tarn Taran.

Learned State counsel has vehemently opposed the prayer for bail citing heavy recovery of 500 grams of heroin. He further asserts that petitioner is a habitual offender and is involved in two other cases under the NDPS Act.

Be that as it may, in the present case petitioner was arrested on 23.02.2015 when the alleged recovery is stated to have been effected. After 11 months from the date of arrest, petitioner was granted default bail under Section 167(2) Cr.P.C. by this Court vide order dated 11.01.2016.

It has gone uncontroverted that the petitioner having absented from the trial proceedings was declared a proclaimed offender on

05.06.2018. He was thereafter arrested on 06.02.2020 and has faced incarceration since then.

Even though petitioner is stated to be involved in two other cases under the NDPS Act but in both such matters he has been granted the benefit of bail. Reference in this regard may be made to the orders appended along with the petition at Annexures P-5 and P-6.

As regards the stage and status of trial, out of eight prosecution witnesses cited, only two have been examined till date.

Trial as such would take time to conclude.

Petitioner after having been declared a proclaimed offender was arrested on 06.02.2020 and has faced incarceration thereafter for a period in excess of 2 ½ years.

In the totality of circumstances and without opining on the merits of the case, this Court is inclined to extend the concession of regular bail pending trial.

Petition is allowed.

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

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.10.2022
sunita

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