

In virtual Court

CRM-M-36583-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36583-2021 (O&M)
Date of decision: 23.02.2022

Gurcharan Singh @ Bunty

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Bal, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-962-2022

For the reasons stated in the application, same is allowed and date of hearing is preponed from 28.03.2022 to today.

CRM stands disposed of.

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Prayer in this 2nd petition is for grant of regular bail in FIR No.58 dated 12.08.2017 under Section 21/61/85 of NDPS Act, registered at Police Station Naya Gaon, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that the petitioner was initially granted the concession of regular bail by this Court vide order dated 12.07.2018 and thereafter, he was regularly appearing before the trial Court, however, on 03.02.2020, he could not appear due to ill-health and his bail/surety bonds were cancelled. It is further submitted that the petitioner surrendered before the trial Court on 20.07.2021 in compliance of the direction given by this Court and since then, he is in custody. It is also submitted that as on today, custody of the petitioner is of 01 year and 06 months and he is not involved in any other case. Learned counsel further submits that no prosecution witness has been examined so far, therefore, the petitioner may be granted the concession of regular bail.

Learned State counsel, on the basis of custody certificate, has not disputed the factual position, however, it is submitted that on the day, when the petitioner absented from the Court proceedings, one PW ASI Jasvir Singh was present and non-appearance of the petitioner was intentional in order to avoid examination of the said witness.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that after his surrender before the trial Court, the petitioner is in custody for the last about 01 year and 06 months and he is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his fresh bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

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This will, however, be subject to the condition that the petitioner will deposit the costs of Rs.10,000/- with the District Legal Services Authority, concerned, for causing delay in disposal of the trial.

**[ARVIND SINGH SANGWAN]
JUDGE**

23.02.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No