

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

CRM-M-33967-2022 (O&M)

Date of decision: 24.11.2022

Bahadar Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashok Kumar Khunger, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.42 dated 08.05.2012, under Section 15 of the NDPS Act, registered at Police Station Sadar Abohar, District Ferozepur.

Learned counsel for the petitioner submits that the alleged recovery of 40 kg poppy husk was effected from the petitioner; that the petitioner was granted regular bail and was regularly appearing before the learned trial Court; that the petitioner met with an accident and could not appear before the learned trial Court on 04.12.2013 and accordingly he was declared as a proclaimed offender on 06.10.2014; that the petitioner was arrested on 25.12.2021 and since then, he has been in custody; that the challan has been presented; that after his arrest, the petitioner has not been produced before the Court and that as per the zimni orders, the prosecution witnesses are yet to be examined.

Learned State counsel, while vehemently opposing the prayer for

bail, submits that the petitioner absconded from 06.10.2014 to 25.12.2021 and he is involved in one more case i.e. FIR No. 74 dated 01.01.2021. However, he does not dispute the custody period of the petitioner and the fact that he was earlier granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner was earlier granted the concession of regular bail but he could not appear before the learned trial Court on 04.12.2013, because of his accident and he was re-arrested on 25.12.2021 and since then he has been in custody. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Moreover, there is no other case against the petitioner under the NDPS Act. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves him into another case of a similar nature, the trial Court would put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

24.11.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No