

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-46030-2021 (O&M)
Date of Decision:-17.10.2022

Shamu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satya Vir Singh Yadav, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Luvinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.31, dated 16.3.2015, Police Station Bhogpur, District Jalandhar, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The allegations, in nutshell, are that on 16.3.2015 when a police party was on its way to G.T. Road from Village Beas to Village Gopalpur, then a person was noticed coming on a motorcycle, who upon seeing the police party tried to take a u-turn. The said person was apprehended on the basis of suspicion. Upon inquiry, he disclosed his name as Shamu. His search yielded recovery of 120 grams of '*alprazolam*' from the right pocket of his pants.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that infact he had already been granted bail in terms of provisions of Section 167(2) Cr.P.C. but on account of his absence he came to be declared a proclaimed offender. It has been submitted that the petitioner was rearrested on 6.3.2020 and has been behind bars ever since the said date though the trial is still at its initial stage.
4. Opposing the petition, learned State counsel has submitted that the conduct of the petitioner in having absconded from the proceedings of trial leading to the petitioner being declared a proclaimed offender and who was arrested after more than 2 years, dis-entitles him to grant bail particularly when it is a case of recovery of 'commercial' quantity of contraband. Learned State counsel has informed that the petitioner as on date has been behind bars since the last more than 2 years and as on date 4 PWs out of the cited 11 PWs have been examined. It has also been informed that the petitioner also stands involved in one more case under Excise Act and another for offence under Section 379 IPC.
5. This Court has considered the rival submissions.
6. Having regard to the fact that it is a case of recovery of 'commercial' quantity of contraband and also that the petitioner after having been granted bail had absented from the proceedings of trial and was declared a proclaimed offender, this Court does not find any case for grant of regular bail. The petition, as such, is sans merit and is hereby dismissed.
7. However, having regard to the fact that the petitioner has already been behind bars for a substantial period of more than 2 years, the Trial Court is directed to take all such necessary steps as may be possible for expeditious

disposal of the trial. The prosecution is directed to ensure the presence of all the PWs on the dates as may be fixed by the learned Trial Court for recording their statements.

17.10.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No