

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

Sr. No.205

CRM-M-47929 of 2022

Date of Decision : December 13, 2022

GURDEEP SINGH CHAUHAN @ GIPPI

..PETITIONER

VERSUS

STATE OF PUNJAB

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Giri, Advocate, for the petitioner.

Mr. Gurvinder Singh, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

This is the second petition for grant of regular bail in case FIR No. 37, dated 29.02.2020, registered under Section 21 of NDPS Act and Sections 465, 467, 468, 471 & 420 IPC at Police Station Bhogpur, District Jalandhar Rural.

It is submitted that this Court had granted interim bail vide order dated 18.06.2020. The said order stated that till the report of the FSL was submitted, the petitioner would remain on bail and that he would surrender the moment the FSL report was submitted. The said report was submitted on 18.08.2020 along with the challan. The petitioner continued to appear thereafter also on every date. On 04.02.2022, an application for exemption had been filed and then it came to the notice of the trial Court that FSL report had been submitted and that petitioner had not surrendered.

Thus, the bail bonds were cancelled. The petitioner has been in custody for over seven months now and there is no other criminal case pending against him. Thus, he may be granted regular bail.

Custody certificate dated 12.12.2022 checked by Sh. Adarsh Pal Singh Toor, Deputy Superintendent of Central Jail Kapurthala has been filed in Court. The same is taken on record.

A perusal of the aforementioned certificate shows that the petitioner has undergone actual custody of 07 months and 01 day and that there is no other criminal case pending/decided against him.

Learned State counsel submits that the petitioner jumped bail and thus, he is not entitled to grant of regular bail.

A perusal of the aforementioned facts shows that in fact, the petitioner had sought exemption from appearance on 04.02.2022. Thus, it cannot be said that he jumped bail. Keeping in view the period of custody as well as the fact that the trial is not likely to be concluded early as other accused have still not appeared, the petition is allowed. The petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 13, 2022*Ankur***(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No