

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

205

CRM-M-54049-2022 (O&M)

Date of Decision: 29.11.2022

Kashmir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Balbir Singh Saini, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.35 dated 05.10.2013 registered at Police Station Airport Amritsar, under Sections 21, 29, 61, 85 of NDPS Act.

Learned counsel for the petitioner submits that petitioner was released on regular bail, vide order dated 18.05.2015. The petitioner failed to appear before the trial Court which resulted into passing of order of proclamation under Section 82 Cr.P.C. The petitioner was declared proclaimed offender vide order dated 03.02.2016 and thereafter, arrested on 04.07.2022. The petitioner is in custody since 04.07.2022. The petitioner undertakes to appear on each and every date and further undertakes that he would not flee from justice.

Learned state counsel on instructions from ASI Joginder Pal Singh submits that petitioner is involved in another case. He has intentionally failed to appear before trial Court and there is possibility that he may not appear after his release.

Keeping in mind:

- i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus, his presence would meet ends of justice;
- ii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iii) The petitioner is resident of Jalandhar and trial is pending at Jalandhar, thus, jurisdictional court and police authorities have direct access over the activities of the petitioner.
- iv) The petitioner was initially granted regular bail by trial Court and at present is in custody since 04.07.2022 and cannot be kept for indefinite period for his non-appearance on earlier occasions;
- v) Trial is pending since 2013 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of learned Illaqa/Duty Magistrate, Jalandhar.

Disposed of in above terms.

29.11.2022
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>