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

CRM-M No. 54994 of 2022 (O&M)

Date of decision: 12.12.2022

Iqbal Singh @ Ashok

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Manan Bhardwaj, Advocate for the petitioner.

Mr. Shubham Kaushik, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.208 dated 22.10.2017, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') at Police Station City South, District Moga.

The earlier one i.e. CRM-M No.20354 of 2018, was disposed of on 09.10.2018, granting bail to the petitioner.

Counsel for the petitioner has submitted that thereafter, the petitioner was facing the trial, however, he absented the Court proceedings on 09.04.2019 and his bail/surety bonds were cancelled and thereafter, he was declared a Proclaimed Offender and was later arrested on 10.12.2021 and since then, he is in custody.

Counsel for the petitioner has argued that due to some unavoidable family circumstances, the petitioner could not appear before the trial Court and as on today, he is in custody for the last 02 years, 02 months and 02 days. It is also submitted that in the

intervening period, when the petitioner was not appearing before the trial Court, he has not repeated or committed any such offence. Further, as per the allegations in the FIR, 220 gm of intoxicant powder containing ALPRAZOLAM was recovered from the petitioner and it will be a debatable issue as to whether the alleged recovery would fall in commercial quantity or not.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail and on instructions from the Investigating Officer, submitted that out of 14 PWs, 03 PWs have already been examined and the next date fixed before the trial Court is 15.12.2022.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years, 02 months and 02 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds and 02 surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

12.12.2022

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No