

CRM-M-1067-2023

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

CRM-M-1067-2023

Date of decision: 23.03.2023

Rajinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. SPS Chakkal, Advocate for
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.34 dated 14.04.2017, registered at Police Station Kotfatta, District Bathinda, under Sections 15 of the NDPS Act.

Learned counsel for the petitioner submits that after having been granted the concession of regular bail, the petitioner had been regularly appearing before the trial Court; that however on 15.03.2022, the petitioner absented himself from the court proceedings at Bathinda, following which his presence had been ordered to be secured through non-bailable warrant, and that on 13.05.2022, bail of the petitioner was cancelled.

Learned counsel for the petitioner further contends that the petitioner has been facing two cases i.e. one at Mansa and another at Bathinda; that non-appearance of the petitioner before the trial Court at Bathinda on 15.03.2022 was not intentional, but for the reason that on the said date, he alongwith other accused had appeared before the Court at

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Mansa, as would decipher from the order dated 15.03.2022 (Annexure P-5). Learned counsel further contends that the petitioner surrendered before the trial Court on 01.10.2022 and since then, he has been in custody.

On the other hand, learned State counsel opposes the grant of bail to the petitioner. However, learned State counsel submits that presence of the petitioner before the Court at Mansa on 15.03.2022 is a matter of record.

I have heard the learned counsel for the parties.

A perusal of the record would show that earlier, the petitioner was granted the concession of regular bail. However on 15.03.2022, he absented himself from the court proceedings and warrant of arrest had been issued against him. His absence before the trial Court at Bathinda, appears to be not intentional for the reason that he had appeared before the Court at Mansa in some other case, as would decipher from the order dated 15.03.2022 (Annexure P-5).

The petitioner has been in custody since 01.10.2022. Trial is unlikely to conclude any time soon. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.03.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No