

CRM-M-5676-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5676-2023

Date of decision: 23.03.2023

Ranjit Kumar @ Ranjeet Kumar Yadav

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Inderpreet Singh Kooner, Advocate,
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.41 dated 06.03.2017, registered at Police Station City Rajpura, District Patiala, under Section 18 NDPS Act.

Status report by way of affidavit of the Deputy Superintendent of Police, Sub Division Rajpura, District Patiala, filed in the Court today, is taken on record.

Learned counsel for the petitioner contends that vide order dated 13.03.2018 passed by a Coordinate Bench in CRM-M-19274-2017, the petitioner had been granted the concession of regular bail; that the petitioner was arrested in FIR No.43/2019, under Sections 15 and 18 NDPS Act, registered at Police Station Partappur, District Chatra (Jharkhand), but he stood acquitted on 10.12.2021; that the petitioner had remained in jail at Jharkhand for about 02 years and 07 months, and that owing to his non-

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appearance in the present case, bail of the petitioner had been cancelled.

Learned counsel for the petitioner further submits that absence of the petitioner before the trial Court was not intentional; that charges were framed against the petitioner on 05.08.2017, and that the prosecution witnesses are yet to be examined. In such circumstances, conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case, much less of a similar nature. On this premise, learned counsel prays for the grant of bail to the petitioner. In support of his contentions, learned counsel relies upon the order dated 25.01.2023, delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s).6690/2022, titled as 'Dheeraj Kumar Shukla Vs. State of Uttar Pradesh'.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the extent of opium recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. She further submits that material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Vide order dated 13.03.2018 passed by the Coordinate Bench in CRM-M-19274-2017, the petitioner had been granted the concession of regular bail. However during pendency of trial, he absented himself from the court proceedings. He has been acquitted in another case registered against him at Police Station Partappur, District Chatra (Jharkhand). There is no other case pending against the petitioner, at least of a similar nature. None of the prosecution witnesses has been examined so far. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37

NDPS Act in the present case. Therefore, no useful purpose would be

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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