

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

CRM-M-5977-2023

Date of Decision: 27.04.2023

MUNISH KUMAR @ PADAR

..... PETITIONER

VS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. Naveen Sharma, Advocate for the
petitioner.

Mr. Sarbjit Singh Cheema, DAG, Punjab.

GURBIR SINGH, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 84 dated 08.04.2015 under Section 22 of NDPS Act, 1985 registered at Police Station Shimlapuri, District Ludhiana.

Learned counsel for the petitioner submits there is recovery of 15 grams of heroin. The petitioner was regularly attending the Court. On 09.08.2017 the petitioner could not appear before the Court below and his bail order was cancelled and bail and surety bonds were forfeited to the State. Thereafter, he was declared as proclaimed offender. He further submits that the petitioner was arrested on 24.07.2022. He is in custody since then. Counsel for the petitioner submits that there is no other case pending against the petitioner and after cancellation of bail, he tried to get anticipatory bail but he was told that there was no need to attend the Court as the case was already finished and due to miscommunication he could not appear.

Learned State counsel has opposed the prayer made by the learned counsel for the petitioner and submits that he remained as absconder for such a long period so he may be absconded again.

Heard.

Although petitioner earlier absconded but in view the fact that the recovery from the petitioner is of non commercial quantity. He is in custody since 24.07.2022 and there is no other case pending against him. The completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds and surety bonds of two persons who are local to the satisfaction of learned Trial Court/Duty Magistrate, concerned. He is directed to give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case. It is further clarified that in case of default of any of the conditions, then the concerned Court is competent to cancel the bail granted to the petitioner.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

(GURBIR SINGH)
JUDGE

27.04.2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No