

218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6993-2023

Date of Decision: 15.02.2023.

AMARJIT SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Rohit Sharma, Advocate for
Mr. Lupil Gupta, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No.10 dated 28.03.2011 under Sections 25 of the NDPS Act registered at Police Station Kot Fatta, District Bathinda.

Custody certificate has been placed on record.

Briefly, the case has been registered against co-accused, namely, Karamjit Singh and Baljit Singh in pursuance of recovery of 6 bags of 35 kg. each of poppy husk which was being carried by them in the vehicle bearing registration number PB-08-BL-0859.

Learned counsel for the petitioner contends that at the earlier instance, the petitioner was granted pre-arrest bail but due of mis-communication from the counsel, he had absented from the proceedings. The petitioner has not been named in the FIR and has been nominated on the basis of the disclosure statement of the co-accused. The allegations against the petitioner are to the effect that he is the registered owner of the car bearing registration number PB-08-BL-0859 in which the contraband was being transported. The petitioner had already sold the vehicle to the co-

accused Karamjit Singh on 31.12.2010 i.e. prior to the registration of the FIR. Although, the petitioner was declared as proclaimed offender but his arrest was effected on 27.09.2022 and he is in custody for a period of 04 months and 19 days.

Learned State counsel has opposed the bail application on the score that the co-accused has been convicted and the petitioner has been declared as proclaimed offender.

Be that as it may, no recovery has been effected from the petitioner and he is stated to be the registered owner of the vehicle in which co-accused were transporting the contraband. The petitioner has allegedly sold the vehicle to the co-accused prior to the registration of the FIR. He has suffered sufficient incarceration for the lapse on his part for absenting from the proceedings. The supplementary challan against the petitioner has not yet been presented. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

In these set of circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

15.02.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No