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

CRM-M-7793-2022

Date of decision : 01.03.2023

Jagjit Singh @ Jagga @ Happy

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ruhani Chadha, Advocate for the petitioner.
Ms. Shivani Sharma, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.156 dated 09.06.2017 under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sultanpur Lodhi, District Kapurthala, who is in custody since his arrest on 13.12.2019.

As per prosecution case, on 09.06.2017, when the police party was on patrolling in the area of Dana Mandi Gurudwara Santhghat Sahib, Sultanpur Lodhi, petitioner was found in conscious possession of 110 grams intoxicant powder without any permit or licence.

Learned counsel for the petitioner has argued that the subject FIR was registered in 2017 and at the initial stage, the petitioner

was released on interim regular bail for want of FSL report, however, during trial proceedings, he absented and later on was declared proclaimed offender vide order dated 15.07.2019. He submits that the petitioner was re-arrested on 13.12.2019 and since then, he is confined in prison, but as the trial will take considerable time to conclude, therefore, he be released on regular bail.

On the other hand, learned State counsel assisted by SI Paramjit Singh has referred to the custody certificate filed by way of an affidavit of Adarsh Pal Singh Toor, Deputy Superintendent, Central Jail Kapurthala and argued that the petitioner is involved in number of other cases and in case he is released on regular bail, he may again abscond. She on instructions further states that out of total nine prosecution witnesses, five witnesses have already been examined and now the case is fixed before the trial Court for 06.03.2023 for recording the remaining evidence.

During the course of hearing, it is not disputed by learned counsel for the petitioner that after the arrest of the petitioner, concession of interim bail was extended to him for want of FSL report and though the said report stood filed long back in the year 2018, despite that petitioner failed to appear before the trial Court. Learned counsel has stated that subsequently petitioner was declared proclaimed offender on 15.07.2019 and thereafter, he had surrendered.

After hearing learned counsel for the parties and considering the above background, this Court finds that the petitioner was granted the concession of interim regular bail at the initial stage of trial, but the said concession was misused by him, who failed to stand the trial and delayed it for a long time. Apart from it, the petitioner is also involved in number of other cases of similar nature and keeping in view the nature and quantity of the contraband, this Court is not inclined to extend the concession of regular bail to him, particularly when the trial is likely to conclude in near future as only four witnesses remain to be examined.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioner on regular bail.

Petition is dismissed.

01.03.2023

vanita

(MANOJ BAJAJ)
JUDGE

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