

255 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-12182-2023  
Decided on:-22.05.2023

Surjeet Singh @ Surjit Singh @ Jheeta ....Petitioner..

VS.

State of Punjab ....Respondent..

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Kushagra Mahajan, Advocate,  
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

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**HARKESH MANUJA J.**

1. By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail in case FIR No.151 dated 08.07.2019, under Section 22 of NDPS Act, 1985, registered at Police Station Islamabad, District Police Commissionerate Amritsar,
2. In the FIR in question, the petitioner has been implicated on account of alleged recovery of 187 tablets of *Alprazolam* i.e. non commercial quantity.
3. Learned counsel for the petitioner submits that though the petitioner was granted interim bail by the trial court, but later on was declared as proclaimed offender, followed by his arrest on 08.09.2022 and since then he is in custody i.e. more than 8 months and trial yet to commence thus, he prays for grant of concession of regular bail.
4. On the other hand, learned State counsel opposes the prayer

made on behalf of the petitioner while submitting that petitioner has misused the concession of bail and was declared proclaimed offender, thus, he does not deserve the concession of bail.

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

6. Admittedly, the petitioner was granted bail by the trial court vide order dated 25.11.2019, though, later he was declared as proclaimed offender on 31.08.2022 and was arrested on 08.09.2022 and since then he is behind the bars i.e. for the last more than 8 months now. The trial has not commenced yet as none of the prosecution witnesses has been examined so far.

7. Considering the fact that there is no other case of NDPS pending against him and the recovery in the present case is of non-commercial quantity as well as considering the age of petitioner being 35 years, I do not find any reason to extend the incarceration of the petitioner any further.

8. In view of the above, without expressing any opinion 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 bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

22.05.2023

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**(HARKESH MANUJA)**  
**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No