

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

CRM-M-13840-2023

Date of Decision: 28.03.2023

SANDEEP SINGH

..... PETITIONER

VS

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. Lakhwinder Singh Dhandiwal, Advocate for the
petitioner.

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.201, dated 06.08.2019, under Section 21(b), 27-A/61/85 of NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner was granted bail vide order dated 09.09.2019 passed by the learned trial Court. Challan was presented on 7.3.2020 and the matter was adjourned for 26.3.2020 for appearance of the accused. On 26.03.2020, the matter was not taken up and the same was adjourned in view of the instructions of COVID-19 for 14.05.2020 and thereafter the matter was adjourned time and again. The petitioner was regularly attending the Court. Thereafter on 10.03.2021 copy of challan was supplied to the petitioner and charges were framed on 04.08.2021. He further submits

that the petitioner could not appear on one date i.e. on 18.08.2022 before the Court below as he was unwell and his bail order was cancelled and bail and surety bonds were forfeited to the State. Now he is in custody since 16.02.2023.

Learned State counsel has opposed the prayer made by the learned counsel for the petitioner and submits that the petitioner intentionally did not appear in the Court and want to delay the trial.

Heard.

Keeping in view the fact that the petitioner was found in possession of 5 gram 500 milligrams heroin and he was granted bail but due to illness he could not appear in the court below, he is in custody since 16.02.2023, 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/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

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

(GURBIR SINGH)
JUDGE

28.03.2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No