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(232)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20947-2023

Date of Decision: 03.07.2023

PARAMJIT SINGH @ SONU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ankit Gupta, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

This 3rd present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.32 dated 14.06.2016 (Annexure P-1) registered under Sections 21/22/61/85 of NDPS Act, 1985 at Police Station Division-D, District Amritsar.

2. The brief facts of the case are that three persons were seen coming on a motorcycle and on seeing a Police *naka*, they tried to turn back. They were apprehended and the pillion riders disclosed their names as Paramjit Singh @ Sonu (petitioner) son of Jasbir Singh and Raju son of Veer Singh. The driver of the motorcycle disclosed his name as Sukhjit Singh @ Pita son of Kishan Singh. The petitioner was found to be holding a black polythene packet in his hand. An examination of the packet revealed 2200

Alprazolam intoxicating tablets. From Raju son of Veer Singh, Rs.60,000/- Indian currency was recovered. However, nothing was recovered from Sukhjit Singh alias Pita.

Based on the aforementioned facts, the instant FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner was arrested on the date of occurrence i.e. 14.06.2016. However, he was on interim bail on account of non-receipt of the FSL report vide order dated 12.09.2016. The said interim bail continued till 03.07.2018. As the petitioner did not surrender, he was declared a proclaimed offender on 17.01.2019 pursuant to which he surrendered on 11.03.2019. He therefore, contends that as the petitioner has undergone more than 04 years of his substantive sentence and had remained an absconder for 08 months, he was entitled to the concession of bail even though, he was a convict in one other case under the NDPS Act in which his sentence stands suspended vide order dated 29.07.2022 (Annexure P-10).

4. A short reply dated 14.06.2023 by way of an affidavit of Surinder Singh, PPS, Assistant Commissioner of Police Central, Amritsar has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. She contends that the petitioner remained an absconder for more than 08 months and is also a convict in one other case under the NDPS Act. Therefore, in view of the bar contained under Section 37 of the NDPS Act, the petitioner was not entitled to the concession of bail.

She however, concedes that the petitioner has undergone more than 04 years of actual custody and only 03 out of the 09 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner was arrested on 14.06.2016 after which he was granted the concession of interim bail. The said interim bail continued till 03.07.2018. However, as the petitioner had not surrendered, he was declared a proclaimed offender on 17.01.2019 pursuant to which he surrendered on 11.03.2019. He has been in custody ever since then. In one other case registered against him, he has been convicted and his sentence stands suspended vide order dated 29.07.2022 (Annexure P-10). In view of the fact that the petitioner has undergone more than 04 years of custody, the rigors of Section 37 of the NDPS Act can be relaxed to an extent in view of the salutary provisions of Article 21 of the Constitution of India which provides for the right to a speedy trial and the case of the petitioner can be considered for the grant of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Paramjit Singh @ Sonu son of Jasbir Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the

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cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

03.07.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No