

2023:PHHC:133607

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

CRM-M-29780-2023 (O&M)

Date of Decision: 13.10.2023

HARPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. K.S.Bal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.35 dated 07.03.2015 under Sections 21 and 22 of the NDPS Act registered at Police Station B. Division District Amritsar City.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that the case has been registered against the petitioner in pursuance of the recovery of 50 grams of intoxicant powder i.e. alprazolam which falls in the category of less than commercial quantity. The petitioner was granted regular bail at the earlier instance but he had absented from the proceedings and was declared proclaimed offender. The petitioner was declared proclaimed offender on 09.05.2022 and his arrest was effected on 24.06.2022 and since then, he is in custody. The petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody for a period of 01 year, 06 months and 01 day and charge is yet to be framed.

4. Learned State counsel has opposed the bail application on the score that the petitioner was declared proclaimed offender on two occasions

and it is not a case that he had surrendered in the Court of his own as his arrest was effected.

5. It may be mentioned here that the petitioner was granted regular bail at the earlier instance. He was declared proclaimed offender on two occasions. Lastly, he was declared proclaimed offender on 09.05.2022 and, thereafter, his arrest was effected on 24.06.2022 and since then he is in custody. The petitioner has undergone the custody in the instant case for a period of more than 1½ years and furthermore, he is in custody for a period of 1 year, 03 months and 20 days after his arrest was effected on 24.06.2022. The charge is yet to be framed. The petitioner has undergone sufficient incarceration for the lapse on his part in absenting from the proceedings in the trial Court. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such 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.

13.10.2023
smriti

(VIVEK PURI)
JUDGE

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