

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

CRM-M-30256-2023

Date of Decision: 20.11.2023

SANDEEP SINGH @ GAJJA

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 20 dated 20.01.2019 registered for offences punishable under Sections 304 of Indian Penal Code and 27 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Jandiala, Amritsar Rural, District Amritsar.

2. Learned counsel for the petitioner contends that in terms of the order dated 12.12.2019 passed by the Co-ordinate Bench of this Court in CRM-M-47348 of 2019 (Annexure P-2), the petitioner was granted regular bail. The petitioner had been regularly appearing in the learned trial Court. However, he absented from the proceedings on 10.02.2021 as he was not aware of the date of hearing and the matter in the trial Court was being adjourned on account of Covid-19 pandemic. The petitioner was declared as proclaimed offender in terms of the order dated 10.01.2023 passed by the learned trial Court, Annexure P-3. The arrest of the petitioner was effected on 22.01.2023 and he is in custody since then.

3. Learned State counsel has opposed the bail application on the

score that the petitioner has been declared as proclaimed offender and his presence was procured by effecting his arrest.

4. It is significant to note that at the earlier instance, the petitioner was granted regular bail by the Co-ordinate Bench of this Court in terms of the order dated 12.12.2019, Annexure P-2. Subsequently, the petitioner had absented from the proceedings and was declared proclaimed offender. The arrest of the petitioner was effected on 22.01.2023. The petitioner is in custody for a period of about 10 months. The petitioner has suffered sufficient incarceration for the lapse on his part for absenting from the proceedings in the trial Court.

5. In these circumstances, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

6. The petition is allowed.

20.11.2023

Janki

**(VIVEK PURI)
JUDGE**

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