

CRM-M-40327 of 2022 (O&M)

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

CRM-M-40327 of 2022 (O&M)

Date of decision: 15.03.2023

Ajay Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Gursimran Singh, Advocate,  
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

**NAMIT KUMAR, J. (ORAL)**

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.130 dated 07.05.2002 under Section 21, 65, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Haibowal, Ludhiana.

According to the prosecution on 07.05.2002 petitioner was apprehended and recovery of 750 grams of ganja was effected from his possession.

Learned counsel for the petitioner submits that earlier the petitioner was enlarged on regular bail on 23.05.2002. He further submits that the petitioner was informed that he has been acquitted in the case and, therefore, he did not appear before the Court and on that account, he was declared a proclaimed offender on 12.06.2006. He further submits that petitioner has again been arrested on 27.06.2022 and since then he is in

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custody. He further submits that challan in the present case has been presented; charges have been framed; out of total 12 prosecution witnesses only one witness has been examined and the case is now fixed before the trial Court for 23.3.2023. He further submits that medical condition of the petitioner is not in order and he is suffering from Haemorrhoids. He further submits that petitioner is ready to face the trial. Learned counsel further submits that in order to show his *bona fide*, petitioner is ready to deposit the costs of Rs.1 lakh with the Punjab & Haryana High Court Lawyers' Welfare Fund. He is in custody for the last 09 months and 03 days. No other case is pending against the petitioner.

Learned State counsel, while filing custody certificate, does not dispute the factual position and has opposed the prayer for grant of regular bail to the petitioner on the ground that he remained a proclaimed offender for a long period of sixteen years when he was arrested and in case he is granted bail, there is an apprehension that he may again abscond from the proceedings. He is in custody for the last 09 months and 03 days. No other case is pending against the petitioner.

After hearing learned counsel for the parties and on perusal of the record, without making any comment on the merits of the case, considering the fact that at one point of time, the petitioner was granted concession of regular bail thereafter he absented himself from the Court proceedings and the petitioner volunteered to pay the costs of Rs. 1 Lakh, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two local sureties to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

The petitioner, while furnishing bail/surety bonds, will produce

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the receipt regarding payment of costs of Rs. 1 Lakh to Punjab & Haryana High Court Lawyers' Welfare Fund.

15.03.2023  
R.S.

(NAMIT KUMAR)  
JUDGE

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