

CRM-M-38487-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38487-2023

Date of decision: 11.08.2023

CHANDERHANS @ HAPPY

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Dinesh Kumar Jangra, Advocate for
Mr. Karan Singh, Advocate,
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.142 dated 22.09.2017, registered at Police Station Sadar Kaithal, District Kaithal, under Sections 21 and 29 NDPS Act, 1985.

2. As per the prosecution version, recovery of 35 gram smack was effected from the car being occupied by the three accused, including the petitioner.

3. Learned counsel for the petitioner contends that the extent of recovery allegedly effected in the present case, falls under non-commercial quantity; that after having been granted the concession of regular bail, vide order dated 25.10.2017 passed by learned Addl. Sessions Judge, Kaithal, the petitioner had been regularly appearing before the trial Court; that during Covid-19 pandemic, the petitioner was informed by his counsel that he was not required to appear before the trial Court; that due to the

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aforesaid reason, the petitioner did not appear before the trial Court, following which his bail was cancelled and warrant of arrest had been issued against him, and that ultimately on 03.12.2022, the petitioner was declared a proclaimed offender. It is further submitted that absence of the petitioner before the trial Court was not intentional but on account of the reasons stated above. It is further submitted that the petitioner was arrested on 16.01.2023 and since then, he has been in custody. It is further submitted that two co-accused have been released on bail.

4. On the other hand, learned State counsel while opposing the grant of bail to the petitioner, submits that the petitioner had absconded and evaded the process of law, and that material witnesses have been examined. However, she does not dispute the fact that recovery of contraband effected in the present case, falls under non-commercial quantity.

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

6. Indisputably, the extent of recovery of contraband effected in the present case, falls under non-commercial quantity. Earlier, the petitioner had been granted the concession of regular bail by the trial Court. However during trial, he was declared a proclaimed offender on 03.12.2022. The petitioner was arrested on 16.01.2023 and since then, he has been in custody. As stated above, two co-accused have been bailed out.

7. The material prosecution witnesses have been examined. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

8. In view of the above, without commenting anything on the

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merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

11.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No