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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 40162 of 2023
Decided on :- 13.12.2023

JASWANT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ashish Aggarwal, Advocate for
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail to
the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
178	28.05.2021	21-B of the NDPS Act.	Islamabad, District Amritsar City

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner had been granted concession of bail vide order dated
17.06.2021 (Annexure P-2) meanwhile the petitioner had suffered fracture in
his ankle and failed to put in appearance before the learned trial Court,
resultantly he was declared as proclaimed person on 18.08.2022. He submits

that there was some miscommunication between the petitioner and his counsel and he was unaware of the fact that proceedings in the FIR are still pending and ultimately he was arrested on 17.06.2023 and since then he is in custody, as such he prays for grant of concession of bail to the petitioner.

3. Learned State counsel has not controverted the factual matrix of the case, however he submits that the petitioner had absconded and was declared as proclaimed person, as such, he does not deserve concession of bail. Learned counsel for the State admits that 7 grams of heroin was recovered from the petitioner which does not fall within the purview of the commercial quantity and on instructions from ASI Kulwant Singh he also submits that no other case is registered against the petitioner.

4. After considering the respective submissions and perusing the record, admittedly the petitioner was granted concession of bail in the present case vide order dated 17.06.2021 (Annexure P-2). It is the case of the petitioner that he had been appearing for investigation and when he suffered fracture in his ankle he was unable to appear in the Court, resulting him being declared as proclaimed person in the case. The petitioner is in custody since 17.06.2023 and challan has already been presented in Court and conclusion of trial to ascertain the criminal liability, if any, on the petitioner would take sufficient long time.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the

satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

13.12.2023
Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No