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

CRM-M-40832-2023

Date of Decision: 24.08.2023

Kamaljit Thakur @ Thakur Kamaljit @ Kamaljeet Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.114 dated 09.08.2019, under Sectiona 21, 22, 29, 27-A, 32, 61, 85 of the NDPS Act and Section 473 IPC, registered at Police Station Ranjit Avenue, District Amritsar.

2. Learned counsel for the petitioner has submitted that it is a case where the petitioner was arrested on 09.08.2019 and thereafter, the petitioner was granted interim bail by the learned trial Court on 12.09.2019 on the ground that the FSL report was not received and thereafter, he continued to be on interim bail for a long period and thereafter, the challan was presented on 03.02.2020 and he appeared regularly before the learned trial Court and did not commit any default. However on 29.04.2023, he was not present in the Court and on the same date his bail bonds were cancelled by the learned trial Court. He further submitted that the next date fixed before the learned

trial Court was 28.07.2023 and he himself surrendered on that date and he was taken into custody and he is in custody from that date. He also submitted that the learned trial Court ought not to have cancelled the bail bonds on the same date and could have at least issued summons or bailable warrants against the petitioner but his bail bonds were cancelled on his first default. He further submitted that be that as it may, the petitioner himself surrendered before the learned trial Court and submitted that the petitioner will keep on appearing before the learned trial Court on each and every date in future also. He submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Chema, learned DAG, Punjab, has submitted that it is correct that the petitioner is in custody since 28.07.2023 and earlier he was on interim bail and thereafter, committed default of non-appearance before the Court on 29.04.2023. He further submitted that there was a recovery of 140 tablets of *Tramadol* from the petitioner and therefore, he does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. As per the aforesaid factual position stated by the learned counsel for the petitioner that the petitioner was earlier granted interim bail in the year 2019 and he regularly appeared before the Court on each and every date but only on one date he did not appear and on the same date his bail bonds were cancelled and thereafter, on 28.07.2023 he immediately surrendered before the trial Court.

6. After hearing the learned counsels for the parties, this Court is of the view that considering the aforesaid facts and circumstances, the

petitioner deserves the concession of regular bail. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

24.08.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |