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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47129-2021 (O&M)

Date of decision: 22.09.2023

Suresh Kumar @ Tangu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr.Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.206 dated 07.08.2008 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Ferozepur, District Ferozepur.

2. Learned counsel for the petitioner *inter alia* submits that the recovery allegedly effected from the petitioner and his three other accomplices was 2 kgs of Opium (non commercial). He submits that no doubt the petitioner absconded on 04.04.2012, after he was released on bail, however, thereafter he was involved in another case for offences punishable under the IPC, for which he was taken into custody, hence, in the circumstances, he was unable to put in an appearance before the trial Court

in the case in hand. It has also been submitted that in the meantime, trial qua

the co-accused concluded. Learned counsel has further urged that the petitioner was again arrested in the case in hand on 05.06.2021 and thereafter, no progress had been made in the trial.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jaspal Singh, has submitted that petitioner was involved in a number of other cases but he stands acquitted in 7 of those cases whereas in one case he has been discharged. Learned State counsel submits that, however, the petitioner is undergoing life imprisonment in one case i.e. FIR No. 224 dated 17.10.2011, under Sections 302, 307, 148, 120-B IPC and 25 of the Arms Act, registered at Police Station KUK, Kurukshetra, and has not been released on bail.

4. Learned State counsel, on further instructions, has not disputed that after the petitioner was arrested on 05.06.2021, challan had been presented, however, no progress has been made thereafter and now the next date fixed before the trial Court was 07.12.2023 when the charges were likely to be framed.

5. On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other case under the NDPS Act, he, on instructions, has replied in the negative. Learned State counsel has also not disputed that the co-accused of the petitioner, who had faced trial had since been acquitted by the trial Court vide judgment dated 26.11.2013.

6. I have heard learned counsel for the parties and perused the material available on record.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the

satisfaction of the trial Court/ Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

22.09.2023

(MANJARI NEHRU KAUL)
JUDGE

Satyawan

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No