

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

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**CRM-M-46499-2022 (O&M)
Date of decision: 31.01.2023**

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Atinder pal Singh, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 69 dated 01.07.2018 registered under Section 22 of the NDPS Act, at Police Station Kathunangal, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was granted regular bail by the learned Judge, Special Court, Amritsar, vide order dated 09.05.2018 and thereafter, he was regularly appearing before the learned trial Court but on 07.10.2021, as he was suffering from viral fever and with intention to save other from spreading of infection to others, he did not appear before the Court. The petitioner was arrested on 16.12.2021 and since then he has been in custody. The non-appearance of the petitioner on 07.10.2021 was not intentional.

Learned State counsel, while vehemently opposing the prayer for

bail, submits that the petitioner intentionally did not appear before the learned trial Court on 07.10.2021 and he was arrested on 16.12.2021 i.e. after more than two months. However, she does not dispute the custody period of the petitioner and the fact that between 08.10.2021 to 15.12.2021, the petitioner has not involved himself in any other case.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.12.2021. The petitioner was earlier granted regular bail by the learned Judge, Special Court, Amritsar, vide order dated 09.05.2018 and thereafter, the petitioner was regularly appearing before the learned trial Court but on a solitary date i.e. 07.10.2021, the petitioner could not appear before the learned trial Court because of his ill-health. Between 08.10.2021 to 15.12.2021, the petitioner has not involved himself in any other case. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves him into another case of a similar nature, the trial Court would put back him into incarceration.

31.01.2023
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

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