

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(206)

CRM-M-49474 of 2022
DATE OF DECISION:-17.02.2023

Jatinder Singh alias Mani

...Petitioner

VS.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amardeep Singh Gill, Advocate, for the petitioner.

Mr. I. P. S. Sabharwal, DAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.88 dated 15.06.2015 under Sections 15, 22, of the NDPS Act 1985 and Sections 419, 205 of IPC, 1860, registered at Police Station Beas, District Amritsar (Rural),

Learned counsel for the petitioner submits that though having been arrested in the aforementioned FIR on 15.06.2015 for alleged recovery of 1 Kg of Poppy Husk, the petitioner was granted the benefit of regular bail on 14.07.2015, however, later on due to his non-appearance, the petitioner was declared proclaimed offender vide order dated 27.09.2016 and was later arrested on 10.06.2022. Learned counsel further submits that petitioner on account of his non-appearance despite having been granted concession of regular bail has already suffered a lot being behind the bars for the past more than 8 months now, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made

herein while submitting that petitioner kept himself away from the process of law for a period of almost 6 years and thus, he does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Once the petitioner was arrested in the alleged recovery of 1 Kg. Poppy Husk for which he was granted the benefit of regular bail, though, having absented himself, thereafter, he was declared as proclaimed offender, the petitioner having suffered long incarceration of more than 8 months now and the trial going to take some time to conclude, so far, even the investigation not been concluded in pursuance to the subsequent addition of offences under Sections 419 and 205 IPC, no useful purpose is going to be served for keeping the petitioner behind the bars by extending his incarceration any further, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

17.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No