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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.49628 of 2023(O&M)

Date of Decision:- 12.12.2023

JOGA SINGH @ JOGA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Subhash Kumar, Advocate, for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

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SANJIV BERRY, J. (ORAL)

CRM Nos. 43589-90 of 2023

1. Applications for exemption from filing certified copy of order dated 12.03.2020 and for placing the same on record as Annexure P-5, respectively are allowed. Copy of order dated 12.03.2020 passed by the trial Court is taken on record as Annexure P-5.

2. Both the applications are disposed of.

Main case

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 (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
141	02.10.2019	22 of NDPS Act	Sadar, District Jalandhar

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner after having been granted concession of bail vide order dated 04.12.2019 (Annexure P-2) had been regularly appearing in Court but due to Covid-19 pandemic he missed the date and could not appear in Court, ultimately he was declared as proclaimed person in the case on 16.11.2022 (Annexure P-3). He submits that the petitioner later on surrendered on 04.03.2023 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.

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 04.12.2019 (Annexure P-2). It is the case of the petitioner that he had been appearing in the Court but due to Covid-19 pandemic and non communication of date he could not appear in the Court, resulting him being declared as proclaimed person in the case. The petitioner is in custody since 04.03.2023 and supplementary 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. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

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

(SANJIV BERRY)
JUDGE

12.12.2023

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