

2023:PHHC:139674

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

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CRM-M-48764-2023

Date of decision : 02.11.2023

Jatinder Kumar @ Jindi (Jatinder Sidhu)**..... Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Harnoor Singh Sidhu, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.30 dated 06.03.2021, registered for the offence punishable under Section 21 of the NDPS Act, 1985 at Police Station Division No.4 (Lahori Gate), District Patiala.

2. As per the case of the prosecution, the petitioner was found to be in conscious possession of 10 gms of smack and was thus booked. The petitioner is now behind bars for last more than one year.

3. Counsel for the petitioner submits that the challan already stands presented and charges were framed on 12.05.2023. However, after about 06 months, none of the witness has been examined despite the fact that majority of the witnesses are official.

4. Counsel for the State however submits that the petitioner was declared as 'proclaimed offender' vide order dated 12.12.2022 and

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is history sheeter and thus would not be entitled for concession of bail.

5. Having heard rival contentions, this Court is of the considered opinion that though the petitioner cannot escape from his conduct and the fact of him having been declared as 'proclaimed offender. However, at the same time it also cannot go unnoticed that he is behind bars for more than 01 year and 02 days and the prosecution itself has not been able to examine even a single witness in last about 06 months after charges were framed on 12.05.2023.

6. Keeping in view the allegations against the petitioner and the incarceration suffered by him, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.

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(vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

02.11.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No