

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

CRM-M-58602-2022

Date of Decision: 21.04.2023

PANKAJ KUMAR

..... PETITIONER

VS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. Fariad Singh Virk, Advocate for the
petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

GURBIR SINGH, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.84, dated 10.10.2014 under Sections 21 and 22 of NDPS Act registered at Police Station Sadar Rajpura, District Patiala.

Learned counsel for the petitioner submits that the petitioner was granted bail vide order dated 13.04.2015 passed by the learned Additional Session Judge, Patiala. As recovery of contra band from the petitioner was of non commercial quantity. He further states that petitioner was appearing regularly before the Court below but on one day i.e. 07.09.2017, he could not appear due to unavoidable circumstances. His wife was on the family way. On 12.12.2017 he was declared

offender by the Court below. On 25.07.2022, he surrendered before the Court below. He has already suffered much.

Learned State counsel has opposed the prayer made by the learned counsel for the petitioner and submits that the petitioner intentionally remained absent and did not appear in the Court below and want to delay the trial if he released on bail he will again remain absent.

Heard.

The challan has already been presented.

Keeping in view the fact that the petitioner is in custody since 25.07.2022, the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a longer period. The culpability of the petitioner is yet to be established.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds and two surety bonds out of whom one surety bond should be from District Patiala to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

(GURBIR SINGH)
JUDGE

21.04.2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No