

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M 59605 of 2022

Date of Decision: 01.02.2023

Suresh Singh

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Sumeet Singh Brar, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J (ORAL)

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.44 dated 24.05.2013, under Sections 15 and 25 of NDPS Act, registered at Police Station Baragudha, District Sirsa, Haryana.

Learned counsel for the petitioner states that no recovery is effected from the petitioner. He was named in the case at a later stage. The petitioner had given car to one Darshan Singh from which 10 kg 500 grams of poppy straw were recovered. During the trial, the petitioner could not appear in the Court and was later on arrested by the Police. The co-accused Darshan Singh has already been acquitted vide order dated 12.02.2019 (Annexure P3) passed by learned Additional Sessions Judge, Sirsa and that the petitioner is in custody since 01.02.2022.

Status report by way of affidavit of Yad Ram, HPS, Deputy Superintendent of Police, Kalanwali, District Sirsa, on behalf of respondent-State, is filed in Court today. The same is taken on record.

Learned State counsel has vehemently opposed the application stating that the act and conduct of the petitioner towards Court is not good.

He was declared proclaimed offender on 30.04.2018 and later on was produced by the police on 02.08.2022. He had not made any efforts to appear in the Court.

Heard.

In view of the above, without commenting anything on the merits of the case and taking into account the fact that recovery is of non commercial quantity being effected from the car owned by the petitioner with co-accused having already been acquitted by the Court below and taking note of the custody period of the petitioner and the fact that trial is not likely to be concluded in near future, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate concerned.

If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

February 01, 2023

jyoti3

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No