

2023:PHHC:155670

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

237

CRM-M-60355-2023

Date of decision : 06.12.2023

Hazura Singh**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. L.S. Bhullar, Advocate
for the petitioner.

Mr. Kunal Vinayak, 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.211 dated 07.12.2015, registered for the offences punishable under Sections 18 & 21 of the NDPS Act, 1985 and Sections 25 & 27 of Arms Act at Police Station Mehatpur, District Jalandhar.

2. Counsel for the petitioner submits that the petitioner was nominated on the basis of disclosure made by the co-accused as source of contraband. Further submits that in the absence of the petitioner, the other co-accused from whom recovery was effected were tried. On trial, they have earned acquittal. Judgment dated 04.10.2021 has been placed on record as Annexure P-2. Petitioner was declared as 'Proclaimed Offender' vide order dated 10.06.2016. The same was challenged by the petitioner before this Court by way of **CRM-M-60672-2022** which was disposed off vide order dated 27.04.2023

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observing as under:-

“xx xx xx

9. In view of the above stand taken by the counsel for the petitioner, the instant petition is disposed of with a direction that in case petitioner surrenders before the trial Court within a period of three weeks from today and applies for regular bail, then his prayer for regular bail be decided expeditiously (if possible), in accordance with law. In the meanwhile, no coercive steps be taken against the petitioner for a period of three weeks from today.

10. It is made clear that in case the petitioner does not surrender before the trial Court within the aforementioned period of 3 weeks from today, then the instant petition shall be deemed to have been dismissed.”

3. As per the counsel representing the State, the petitioner did not surrender in terms of the said order. Thus, the aforesaid petitions in terms of the order is deemed to have been dismissed. However, the fact remains that the petitioner was arrested and is behind bars for 03 months and 15 days.

4. Keeping in view the fact that the main accused already have earned acquittal, this Court does not find any reason as to why the custody of the petitioner should be prolonged as a punitive measure.

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

6. 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.

7. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

06.12.2023
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Whether speaking/reasoned :	Yes
Whether Reportable :	No