

231 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8876-2024

Decided on:-02.04.2024

Albel Singh

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail to the petitioner, pending trial in case FIR No.21 dated 07.05.2019, registered under Section 22/61/85 of the NDPS Act, at Police Station Nandgarh, District Bathinda.

2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 840 tablets of “Tramadol” and prays for grant of concession of regular bail.

3. On the other hand, prayer made herein has been strongly opposed at the instance of learned State counsel while submitting that though the petitioner was granted the concession of regular bail by this Court vide order dated 21.07.2020, however, on account of his arrest on 09.08.2023 in some other case (FIR No.91 dated 09.08.2023), he absented himself in the present case on 16.08.2023 and since the petitioner has again

indulged himself in similar offence, he does not deserve the concession of regular bail.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. Initially, the petitioner was granted the concession of regular bail in the present FIR by this Court vide order dated 21.07.2020 and has been regularly appearing before the trial Court, but for 16.08.2023, as the petitioner was in custody at that point of time in another FIR No. 91 dated 09.08.2023, wherein he was granted bail by Judge Special Court, Bathinda, vide order dated 06.11.2023 and soon thereafter, the petitioner surrendered himself before the trial Court on 23.01.2024 and prayed for grant of concession of regular bail, however, the same was declined vide order dated 02.02.2024.

6. Considering the fact that the petitioner failed to appear before the trial Court on account of his involvement in another case of similar nature and he having surrendered himself before the Trial Court soon after his release, besides considering the custody period in the present case i.e. more than 02 months by now, I do not find any justification to extend the incarceration of the petitioner, especially when, not even a single witness has been examined by the prosecution so far.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

02.04.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No