

CRM-M-11526-2024

2024:PHHC:052936  
-1-

(228)  
IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-11526-2024  
Date of Decision: 19.04.2024  
PARWINDER SINGH @ PAPPI @ PARVINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Narinder S Lucky, Advocate  
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

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JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.02 dated 06.01.2023 registered under Sections 21 and 22 of the NDPS Act, 1965 (Section 29 of the NDPS Act added later on) at Police Station Tappa Mandi, District Barnala.

2. The brief facts of the case are that the petitioner was apprehended with 200 loose intoxicant tablets. They were subsequently found to contain the salt of Alprazolam and weighed 29 grams as against the commercial quantity which is more than 100 grams.

3. The petitioner sought the concession of regular bail and was granted the same vide order dated 27.02.2023 (Annexure P-3). However, the petitioner did not appear on 20.11.2023 on account of ill-health and surrendered only on 06.01.2024.

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4. The learned counsel for the petitioner contends that as a non-commercial quantity of contraband had been recovered from the petitioner, he had been granted concession of bail. On account of ill-health, he had not appeared before the Trial Court and subsequently surrendered on 06.01.2024 after which he has continued to be in custody. As the report under Section 173(2) Cr.P.C. stood submitted but none of the 16 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. An affidavit dated 19.04.2024 by way of an affidavit of Manavjit Singh, PPS, Deputy Superintendent of Police, Sub Division Tapa District Barnala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He does not dispute the aforementioned factual position but states that as the petitioner was absconding between 20.11.2023 and 06.01.2024, there was every likelihood that he would abscond once again if he was granted the concession of bail. He, however, concedes that the petitioner was in custody since 06.01.2024 and none of the 16 of the prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner was granted bail as non-commercial quantity of contraband had been recovered from him. Though he remained absconding for approximately 2 month, he surrendered on 06.01.2024 after which he continues to be in custody. He is a first-time offender with no other cases registered against him. None of the 16 prosecution witnesses has been

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examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Parminder Singh @ Pappi @ Parvinder Singh son of Baldev Singh ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)  
JUDGE

19.04.2024

JITESH

Whether speaking/reasoned:- Yes/No  
Whether reportable:- Yes/No