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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-17307 of 2023
Date of decision:- 30.01.2024

SUKHDEV SINGH @ BHOLU

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
150	08.07.2019	22 of NDPS Act.	Islamabad, District Police Commissionerate Amritsar.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner was arrested in FIR (Annexure P-1) and was later on granted concession of bail vide order dated 26.08.2019 (Annexure P-2). He contends that on account of intervening Covid-19 Pandemic, the petitioner lost track of the dates and due to miscommunication, absented from the proceedings and later on he was declared as proclaimed offender in this case.

He submits that the petitioner was later on arrested on 20.04.2022 and since then he is in custody. He submits that the alleged recovery effected from the petitioner was non commercial in nature and hence he prayed for grant of concession of bail.

3. Learned State counsel has not disputed the facts and circumstances of the present case and admitted that the petitioner was granted concession of bail vide order dated 26.08.2019 (Annexure P-2) in the case and later on he absented from the proceedings leading him being declared as proclaimed offender in the case and also the factum of arrest. He submits that challan has already been presented in Court and the petitioner is facing trial.

4. In *nutshell* the case of the prosecution is that FIR No.150 dated 08.07.2019 (Annexure P-1) was registered against the petitioner on account of his apprehension with contraband in the form of intoxicant tablets. The same being non commercial in nature the petitioner was granted bail vide order dated 26.08.2019 (Annexure P-2). Thereafter he regularly appeared in the trial Court. As submitted by learned counsel for the petitioner that petitioner lost track of the dates in the Court due to Covid-19 Pandemic and was ultimately declared as proclaimed offender in this case. Admittedly the petitioner was arrested in this case on 20.04.2022 and since then he is in custody. The conclusion of trial in the present case to ascertain criminal liability, if any, of the petitioner may take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind

bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.01.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No