



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18449-2024
Date of Decision:05.09.2024

Jaj Singh ...Petitioner

VS.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Anupam Bhanot, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C with a prayer to grant regular bail to him in case FIR No. 194 dated 15.08.2017, registered under Sections 22,61 and 85 of NDPS Act, Police Station Bhikhiwind, District Tarn Taran, Punjab. (Annexure P-1).
2. A short reply by way of an affidavit of Deputy Superintendent of Police, Sub Division Valtoha, Camp at Bhikhiwind, District Tarn Taran has been filed on behalf of respondent-State and the same is taken on record.
3. Learned counsel for the petitioner contends that the petitioner was allegedly found in his conscious possession of 500 intoxicant tablets, without any permit or license. During the course of investigation, the total quantity of “Alprazolam” was found to be 68.5 grams, which is non-commercial quantity. He further contends that the petitioner was earlier granted the concession of regular bail on 28.11.2017 and thereafter, he was regularly appearing before the Trial Court. The case was listed before the Trial Court on 20.03.2020 and the

petitioner could not appear before the Trial Court in view of the directions passed by this Court on 17.03.2020 as Covid-19, Pandemic had spread in the State of Punjab also. Due to non-appearance of the petitioner, the petitioner was declared as a proclaimed offender on 14.10.2022. He further contends that the petitioner could not appear before the Trial Court as he remained covid positive for a longer period and his nervous system was badly effected due to Covid-19 virus. He further contends that the petitioner was arrested in the present case on 01.08.2023 and is in custody since for the last more than 01 year. He further contends that the petitioner is not facing any other criminal prosecution and may be relased on bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had misused the concession of bail and was declared as a proclaimed offender. However, he admits that the quantity of contraband recovered from the present petitioner is non-commercial in nature.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the petitioner was already on bail with effect from 28.11.2017. However, later on, he did not appear before the Trial Court and was declared as a proclimed offender. Now, the petitioner is in custody for the last more than 01 year and the recovery from the present petitioner falls within the ambit of “non-commerical quantity”. Thus, further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his

furnishing bail bonds and surety to the satisfaction of the concerned trial Court/
Duty Magistrate/Chief Judicial Magistrate.

05.09.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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