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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18738-2024
Date of decision:-27.08.2024

GOBIND SINGH ... Petitioner
Versus
STATE OF PUNJAB ... Respondent

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

Present:- Mr. Manju Goyal, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of affidavit dated 20.05.2024 of Deputy Superintendent of Police, Govt. Railway Police, Punjab, Sub-Division, Ferozepur alongwith custody certificate dated 26.08.2024, the same are taken on record. Copies thereof, have been supplied to the counsel opposite.

- 2. Arguments heard.
- 3. 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
0036	29.03.2018	22, 27 of NDPS Act	GRP Bathinda District Govt. Railway Police

- 4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner after having been arrested in case FIR (Annexure P-1) was



granted concession of regular bail vide order dated 29.05.2018 (Annexure P-2) passed by learned Judge, Special Court Bathinda, thereafter petitioner had been regularly appearing in Court but he absented from trial on account of wrong noting of date by the clerk of the counsel for the petitioner in trial Court. He submits that consequent upon the absence of petitioner from proceedings on 07.10.2022 he was declared proclaimed offender and later on arrested by the police on 21.04.2023, since then he is in custody. He contends that another FIR No.50 dated 28.02.2023 (Annexure P-5) registered against petitioner wherein he was later on granted concession of bail vide order dated 14.09.2023 (Annexure P-9) passed by learned Additional Sessions Judge, Bathinda. He submits that the petitioner is presently in custody on account of his absence from trial and consequently being declared as proclaimed offender. He submits that conclusion of trial will take sufficient long time, hence he prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply dated 20.05.2024 submitted by the State has not disputed the factual matrix and has prayed for dismissal of the present petition.

6. After considering the rival contentions and perusing the record, it transpires that there is no dispute so far as the factual aspect narrated (*supra*) by the learned counsel for the petitioner is concerned. The petitioner after arrest in the instant FIR No. 0036 dated 29.03.2018 (Annexure P-1) has been granted concession of bail vide order dated 29.05.2018 (Annexure P-2). Thereafter, he had been appearing in trial but absented on 07.10.2022 leading to the petitioner being declared as proclaimed offender in the case and later on he was arrested on 21.04.2023 and since then he is in custody. It is also not disputed that presently the petitioner is in custody on account of his

absence from trial and being declared as proclaimed offender in the case. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars any longer. 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.

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

(SANJIV BERRY)
JUDGE

27.08.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No