

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-21385-2024
Decided on:-03.05.2024**

Jaswinder @ Budhu

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, 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 pending trial, in case bearing FIR No.348, dated 04.10.2019, registered under Section 22 of the NDPS Act, 1985, at Police Station Phillaur, District Jalandhar Rural, wherein, the petitioner has been implicated against the alleged recovery of 2500 tablets of “Tramadol”.

2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the petitioner having enjoyed the benefit of regular bail, absented himself during trial, followed by his declaration as proclaimed offender/person and could only be apprehended after almost 1½ year and thus, he does not deserve the concession of regular bail, at this stage.

3. I have heard learned counsel for the parties and gone through the paper book, I find substance in the submissions made on behalf of the

petitioner.

4. In the present FIR, petitioner was initially granted the concession of regular bail by the Judge Special Court, Jalandhar, vide order dated 30.01.2020, and thereafter, during trial, he absented on 01.11.2022 and was later declared as proclaimed offender/person vide order dated 27.03.2023. Subsequently, the petitioner was apprehended by police on 07.06.2023 and since then he is in custody i.e. for the past almost 11 months and has suffered a lot. The investigation in the present case already stands concluded with the filing of challan followed by framing of charges and trial is likely to take some time as only 01 prosecution witness has been examined so far out of total 9 witnesses.

5. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner, especially, when he did not indulge himself in any criminal activity since the date of his absence till the date of his arrest.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

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

03.05.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No