

2024.PHIC.074593

224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-25600-2024
Decided on:-24.05.2024

Amritbir Singh

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajay Singh, Advocate for
Mr. Gursimran Singh Bhatia, Advocate,
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.43 dated 30.05.2014 registered under Sections 18, 21, 22, 61 and 85 of the NDPS Act, 1985, Sections 411, 414 IPC and Sections 25/54/59 of the Arms Act, 1959 as well as Section 3/34/20 of the Indian Passport Act, 1967 at Police Station Jhander, District Amritsar, wherein the petitioner has been implicated along with others with the allegations of having recovered 250 grams of tramadol powder.

2. On the other hand, learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the petitioner was earlier granted the concession of regular bail and later on, he escaped himself from the process of trial and thus, was declared proclaimed offender, which dis-entitles him for the benefit of regular bail.

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 case, investigation already stands concluded with the filing of challan followed by framing of charges and trial is likely to take some time. Moreover, after the declaration of the petitioner as proclaimed offender and upon his arrest, he has remained in custody for the last almost 08 months & 07 days now. The quantity involved in the present case is non-commercial in nature in view of Section 2(viia) of the NDPS Act, besides it, he is not implicated in any other similar FIR, especially while he was absconding.
5. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.
6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his 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.

24.05.2024
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(HARKESH MANUJA)
JUDGE

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