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**219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-27757-2024
Decided on : 28.08.2024

Bhupinder Singh @ Bhinda

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.151 dated 03.07.2007 under Section 22 of NDPS Act, 1985 registered at Police Station Jandiala Guru District Amritsar.

2. Learned counsel for the petitioner submits that no doubt, the FIR in question was lodged way back in the year 2007 after the petitioner was allegedly apprehended with 81 capsules of Parvon Spas and 400 tablets of Microlit (non-commercial quantity). After the registration of the FIR, the petitioner was enlarged on bail by the trial Court on 30.08.2007 and thereafter, had been regularly appearing before the trial Court. Due to certain medical ailments, the petitioner was unable to join proceedings before the trial Court, as a result of



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which, he was declared a proclaimed offender on 28.11.2011. Learned counsel submits that on 02.08.2023, the petitioner was re-arrested and thereafter, only one prosecution witness out of the 13 had been examined so far. Hence, the possibility of the trial concluding in the near future was unlikely.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the petitioner was indeed enlarged on bail after he was arrested on 30.08.2007, however, he has asserted that the petitioner had misused the said concession and thus, there was every likelihood that in case he was yet again released on bail, he could again misuse the concession of bail and absent himself before the trial Court leading to further delay in the conclusion of the trial. It has also been submitted by the learned State counsel that totally vague submissions have been made by the learned counsel that it was on account of the petitioner's medical ailments that he was unable to appear before the trial Court.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 02.08.2023. The trial will take considerable time to conclude as 12 prosecution witnesses still remain to be examined.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the



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petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

28.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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