

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

113

CRM-M-35093-2024

Date of Decision : **August 07, 2024**

BOOTA SINGH ALIAS BUTA SINGH ALIAS BUTTA SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manu Loona, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.57 dated 7.8.2019, under Sections 21-61-85 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Qila Lal Singh, District Batala.

2. The petitioner was apprehended carrying 70 grams of Heroin on 7.8.2019. Thereupon, after filing of the final report, the petitioner was granted the relief of interim regular bail by the learned trial Court concerned vide order dated 27.9.2019 with a condition to surrender before the learned trial Court concerned upon receipt of the FSL report.

3. On receipt of the FSL report, the petitioner failed to surrender, which led the learned trial Court concerned to declare him as a proclaimed offender vide order dated 18.4.2022. Consequently, the petitioner was re-

arrested by the prosecuting agency on dated 29.2.2024 and now the petitioner has filed the instant petition seeking the relief of regular bail.

4. Learned counsel for the petitioner in the asking for the relief submits that the recovery effected from the present petitioner falls within the ambit of intermediate quantity and he has already suffered incarceration of about 6 months as on today. He further submits that though the petitioner is involved in four more cases and out of these four cases, only one case is of similar nature. He assures this Court that the petitioner will regularly appear before the learned trial Court concerned to face trial.

5. On the other hand, the learned State counsel has placed on record the custody certificate and opposed the grant of regular bail to the petitioner on the ground that the petitioner remained absconded for about 4 years and with great difficulty, he was arrested in February 2024.

6. Be that as it may, considering the fact that the petitioner has suffered incarceration of 5 months and 22 days as on today and the recovery falls within the ambit of intermediate quantity and as on date only 4 witnesses out of 7 witnesses, have been examined till date, therefore, the trial is at midway and the conclusion of trial would take long time, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 07, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No