

**Date of Decision : 16-04-2024**

.....Petitioner

.....Respondent

Mr. Shiva Khurmi, AAG Punjab.

3. Bail plea is opposed by the learned State counsel who submits that the conduct of the petitioner does not merit bail. He was successful in evading the process of law for 6 years. He was declared as proclaimed person leading to registration of FIR under Section 174-A of

IPC and could be arrested only on 19.04.2023. He further submits that petitioner is a habitual offender having two more cases registered under the NDPS Act.

4. Counsel for the petitioner submits that so far as FIR No.79 dated 16.03.2006 is concerned, the same was with respect to small quantity of poppy husk and FIR No.32 dated 17.04.2023 is subsequent to his arrest in the present case is also of non-commercial quantity.

5. I have heard counsel for the parties and gone through the records of the case.

6. Counsel for the State is right in contending that the conduct of the petitioner does not merit bail as he has successfully evaded the process of law and at the same time, he cannot lose site of the fact that despite the charges having been framed on 04.09.2023, prosecution has not been able to examine a single witness till day and almost all the witnesses are official. Thus in order to balance the equities, present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

*(i) The petitioner shall not mis-use the liberty granted.*

*(ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*

*(iii) The petitioner shall not absent himself on any date before the trial.*

- (iv) *The petitioner shall not commit any offence while on bail.*
- (v) *The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) *The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) *The petitioner shall not in any manner try to delay the trial.*
- (viii) *He shall report to the concerned Police Station at 11 A.M. sharp everyday.*

8. In case of breach of any of the aforesaid conditions and those which made be imposed by the trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

16-04-2024  
spn

(PANKAJ JAIN)  
JUDGE

Whether speaking/reasoned :Yes  
Whether Reportable : No