



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

CRM-M-50659-2024

Date of Decision : **28.10.2024**

SURINDER SINGH ALIAS BABBU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Tanvir Singh Attariwala, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.142, dated 27.06.2020, under Sections 22/61/85 of the the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Bhikhi, District Mansa.

2. In asking for the relief of regular bail, learned counsel for the petitioner, submits that in the instant case, the petitioner was earlier granted the relief of interim regular bail by the learned Judge, Special Court, Mansa, vide order dated 27.07.2020 (Annexure P-2), with the condition to re-surrender before that court on receipt of report of Chemical Examiner, and file a fresh regular bail application.

3. He further submits that the *challan* in the instant FIR, was presented on dated 05.04.2021, and thereafter, due to outbreak of Covid-

9 pandemic, the matter was adjourned time to time and again. On 12.08.2021, due to non-appearance of present petitioner, on account of his ill health, his bail was cancelled on the said date. Thereupon, after initiation of proceedings under Section 82 Cr.P.C., the petitioner was declared as a proclaimed offender vide order dated 03.01.2022. Thereafter, the petitioner was arrested on 29.05.2024, and since then he is in custody.

4. He also submits that upon moving a regular bail application before the learned trial court concerned, the same was dismissed vide order dated 29.05.2024 (Annexure P-9).

5. He in addition submits that the absence of the present petitioner was neither intentional nor wilful, but on account of the reasons mentioned in the instant petition. Furthermore, now the petitioner has suffered sufficient incarceration of about 6 months, as on date, and he is not involved in any other criminal case of a like nature.

6. He over and above, submits, that as per the report of the chemical examiner, the recovery effected from the the present petitioner is of 108 tablets containing 'Tramadol hydrochloride', total weight of which comes out to be 44.25 grams, which falls within the ambit of intermediate and 'non-commercial' quantity.

7. On the other hand, learned State counsel has vociferously opposed the asked for relief (*supra*), as he had earlier misused the concession of interim regular bail.

8. He has filed the custody certificate *qua* the petitioner, which is taken on record. It reflects that the petitioner has suffered incarceration

of 5 months and 28 days as on today, and he is involved in one other criminal case, under the IPC, and the challan has already been presented, however, charges are yet to be framed.

9. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

10. Be that as it may, considering the fact that petitioner has suffered incarceration of 5 months and 28 days as on today, and *challan* has been presented, but charges are yet to be framed, therefore, conclusion of the trial would take a long time, and the recovery of contraband effected from the present petitioner falls within the ambit of non-commercial quantity, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of his respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11 However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

12. All pending application(s), if any, also stand **disposed** of accordingly.

October 28, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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