

CRM-M-60600-2023
Decided on : 13.02.2024

.....Petitioner

..... Respondent

Mr. Amit Rana, Sr. DAG, Punjab.

This is the fourth petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.18 dated 29.03.2018 under Sections 20, 29 of NDPS Act, 1985 registered at Police Station Shahpur Kandi, District Pathankot.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was granted the concession of bail on 12.01.2021 (Annexure P-2), however, he was unable to appear on one particular date, as a result of which, non-bailable warrants were issued against him vide order dated 22.11.2021. Learned counsel for the petitioner further submits that the said order was quashed by this Court vide order dated 24.03.2022 (Annexure P-6). Thereafter, petitioner was regularly appearing before the Court below but due to his ill health, he could not appear and subsequently, vide order dated

02.11.2023, petitioner was declared a proclaimed offender. It has also been submitted that Trial Court had not complied with the provisions of Section 82 Cr.PC while passing the order dated 02.11.2023. A prayer, therefore, has been made to extend the concession of bail to the petitioner.

3. Per contra, learned State counsel, on instructions from ASI Harjinder Singh, has vehemently opposed the prayer made by the counsel for the petitioner for extending him the concession of the bail in view of his antecedents. It has been submitted by the State counsel that the petitioner had continuously misused the concession of bail, which had been granted to him as it was a matter of record that he had also been declared a Proclaimed Offender on 02.11.2023. Learned State counsel has, on further instructions, informed the Court that a huge recovery of 2.500 kgs of charas (commercial quantity) had been effected from the petitioner; only 3 prosecution witnesses out of the 12 cited now remained to be examined and hence, the trial would not take much time to conclude. Learned State counsel has further submitted that in case, the petitioner is enlarged on bail at this stage of the trial, seeing to his past conduct, there could be a likelihood of the petitioner yet again absconding and evading the process of law.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. *Prima facie*, the petitioner does come across as a habitual offender coupled with the fact that the recovery of the contraband

effected from him in the present case is huge, which falls under commercial quantity.

6. In the facts and circumstances as enumerated hereinabove, since the trial is nearing conclusion this Court does not deem it fit to extend the concession of regular or interim bail to the petitioner. Accordingly, the instant petition stands dismissed.

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.

13.02.2024
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(MANJARI NEHRU KAUL)
JUDGE

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