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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-63538-2023

Date of decision: 08.01.2024

Vardi Chand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Gurdarshan Singh Sandhu, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C for grant of regular bail to the petitioner in case FIR No.122 dated 31.10.2010 registered under Section 18 of NDPS Act at Police Station Bahavwala, District Fazilka.
2. As per prosecution version, 2 kg of opium was recovered from possession of the petitioner by the police on 31.10.2010 and the petitioner was arrested at the spot. It being case of recovery of non commercial quantity of contraband the petitioner was granted regular bail but later on he jumped bail and was re-arrested on 01.01.2023.
3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is in custody for the last more than 1 year and 1 months and is having no criminal history and that the trial is not progressing ahead and as such the petitioner is entitled to be released on regular bail.

4. The present petition is resisted by the State counsel submits that the petitioner was arrested along with 2 kg of opium which falls under non commercial quantity and he was granted regular bail but later on petitioner jumped bail and absconded for a period of about 10 years and was rearrested on 01.01.2023. The State counsel further submits that the petitioner who belongs to Madhya Pradesh will again abscond if released on bail so prayer is made that the present petition is dismissed.

5. I have considered the submissions made by counsel for the parties.

6. The present case is relating to recovery of non commercial quantity of opium and as such rigors of Section 37 of NDPS Act are not applicable in the instant case. The petitioner is in custody for the last more than 1 year and 1 month and admittedly, the trial is not progressing ahead as till date only 2 witnesses are examined out of total 7 witnesses on behalf of the prosecution and it will take considerable time for the trial to conclude. Further the petitioner is having no criminal history. In the given circumstances no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In light of the above, without commenting on the merits of the case, the present petition is allowed and petitioner is directed to be released on regular bail subject to his furnishing FDR worth Rs.50,000/- in the name of the trial Court with one local surety to the satisfaction of the trial Court concerned.

08.01.2024

Yogesh

(KARAMJIT SINGH)

JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No