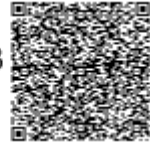


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

214

CRM-M-26704-2024 (O&M)

Date of decision: 07.01.2025

Kulwinder Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

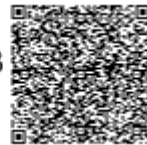
MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 33 dated 19.04.2005, registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Anandpur Sahib, District Rupnagar.

2. The aforementioned FIR was registered against the petitioner on the allegations that he was found in possession of 250 grams of opium on 19.04.2005. He was released on bail. However, he absented himself from the Court proceedings and proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed person on 11.08.2009. He was arrested on 03.12.2023 and is in custody since then.

3. Learned counsel for the petitioner has argued that the petitioner could not appear before the learned trial Court earlier as he had gone abroad to

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earn livelihood. He could not come back to India as he was misled by his travel agent and managed to return to India only on 03.12.2023. It is further submitted that no useful purpose would be served by keeping him in custody anymore as the trial is likely to take time. He is ready to abide by the terms and conditions to be imposed by this Court. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Senior Deputy Advocate General, Punjab has argued that the trial is at the fag end and in case the petitioner is granted concession of regular bail, he may again abscond. Thus, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner is facing trial in the aforementioned FIR. He was granted concession of bail but he absented himself from the Court proceedings and went abroad. Consequently, he was declared a proclaimed person on 11.08.2009. He was re-arrested after a period of more than 13 years i.e. only on 03.12.2023, when he landed back in India. The trial is at its fag end as out of total 15 prosecution witnesses, 13 witnesses have already been examined. Keeping in view the conduct of the petitioner, the apprehension expressed by the learned Senior Deputy Advocate General, Punjab that he may again abscond in case he is granted concession of regular bail, cannot be stated to be unfounded. In view of these facts and circumstances, I am of the considered opinion that the petitioner is not entitled to get concession of regular bail. Accordingly, the present petition is dismissed.

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8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

07.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No