

**In the court of Kewal Krishan,
Judge, Special Court, Ferozepur (UID No.PB-0182).**

Case Type	Bail Application.
CIS No.	BA/1897/2022.
CNR No.	PBFZ010047382022.
Date of order	17.08.2022.

Gurdeep Singh aged about 26 years son of Bagicha Singh, resident of village Chhanga Rai Uttar, Tehsil and District Ferozepur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No.159 dated 19.08.2019 Under Section 21 of the NDPS Act. Police Station: Guruharsahai. Charge framed U/S 21(b) of the NDPS Act.

Application 439 of the Code of Criminal Procedure.

Present: Sh. S.S. Vadian Advocate, Learned counsel for the applicant-accused.
Sh. A.P.S. Brar Learned Addl. Public Prosecutor for the State.

ORDER

The applicant has filed the instant second application under Section 439 of the Code of Criminal Procedure for grant of regular bail.

Trial court record is received.

2. Arguments are heard. Learned counsel for the applicant has argued that earlier, the applicant was granted bail in this case. He had been regularly appearing in the trial. He remained absent during the trial and ultimately, he was declared proclaimed offender on 24.03.2022. In fact, the applicant is a labourer and in the month of February, 2021, he had gone to M.P. for harvesting wheat crop. Thereafter, he had gone to Rajasthan for labour work and remained there for about one and half years. He came back a month back. He was re-arrested by the police on 21.07.2022 and since then, he is in judicial custody. His absence was neither intentional nor deliberate one but due to the reasons stated above. He is ready to furnish the bail bonds. He undertakes not to leave India without prior permission of the court. Thus, the applicant may kindly be granted concession of regular bail.

3. On the other hand, learned Addl. Public Prosecutor has argued that the applicant was declaration as proclaimed offender and he is not entitled to get concession of bail.

4. As per prosecution version, 10 gram Heroin was recovered from the applicant and he was granted interim bail vide order dated 01.10.2019 subject to result of chemical analysis. The applicant had been appearing in the court. During trial, he did not appear on 23.02.2021 and

he was ordered to be summoned throughailable warrants for 08.04.2021. On 08.04.2021, he again did not appear and his bail order was cancelled. Non-ailable warrants were issued against him. The presence of the applicant could not be procured through non-ailable warrants issued against him for several dates. Vide order dated 20.09.2021, he was ordered to be served through proclamation under Section 82 Cr.P.C. and ultimately, vide order dated 24.03.2022, he was declared as proclaimed offender.

5. The applicant was re-arrested and produced before this court on 22.07.2022 and since then, he is in judicial custody. Police presented report under Section 173 Cr.P.C. against the applicant and co-accused Amarjit Singh. Charge against them was framed on 04.12.2020 relating to recovery of 10 grams Heroin from each of them. The applicant is in custody since 22.07.2022. Keeping in view all aspects and in the interest of justice, this court is of the considered view that no useful purpose would be served by detaining the accused-applicant in custody. Accordingly, the application is allowed and the applicant is ordered to be released on bail on furnishing his personal bond in the sum of Rs.60,000/- (Sixty thousand) with one surety in the like amount to the satisfaction of Illaqa Judicial Magistrate/Duty Magistrate at Guruharsahai or Ferozepur, subject to the following conditions:-

1. That the applicant shall not leave the country without the prior permission of the Court;
2. That the applicant shall not threaten the witnesses or tamper with the prosecution evidence in any manner;
3. That the applicant shall regularly attend the hearings before the trial Court.

The Illaqa Judicial Magistrate/Duty Magistrate is directed to send the bail/surety bonds along with relevant documents after accepting and attesting the same to this court. File of bail application be attached with the main file of the challan.

Sd/-

Pronounced on 17.08.2022.
Anil Kumar Stenographer Gr.II.

(Kewal Krishan)
Judge, Special Court, Ferozepur.
(UID No.PB 0182)