



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

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CRM-M-22076-2024
Date of decision: 31.07.2024

BALBIR SINGH ALIAS DHUDA

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwaljeet Singh, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.36 dated 06.05.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Qadian, Police District, Batala, District Gurdaspur.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and recovery of 400 loose intoxicant tablets have been planted upon him which falls under the non-commercial quantity. It has been further submitted that the petitioner was extended the concession of interim bail by the learned trial Court on 22.06.2022. However, on account of certain medical ailments, he was unable to join proceedings before the trial Court as a result of which he was erroneously declared a proclaimed offender on 30.01.2024. As per the counsel, after the petitioner recovered and felt better, he himself appeared



and surrendered before the trial Court on 19.03.2024. Learned counsel submits that in the aforementioned facts and circumstances since he has now been in custody for the past four months and the trial has not proceeded any further his further incarceration would serve no useful purpose moreso when the alleged recovery affected from him does not fall within the commercial quantity.

3. Learned State counsel has, however, vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel has submitted that it is a clear case of misuse of the liberty which was granted to him by the trial Court on 22.06.2022; except for his bald statements which are not supported by any material much less medical reports qua his purported ailments, it is evident that it is the petitioner and petitioner alone who by his conduct had delayed the conclusion of the trial. It has still further been submitted that after the petitioner absconded he was declared a proclaimed offender on 30.01.2024 and it was only subsequently that he surrendered and appeared on 19.03.2024. Learned State counsel has submitted that the next date fixed before the trial Court is 17.08.2024 when the charges are likely to be framed.

4. I have heard learned counsel for the parties and perused the relevant record placed on record.

5. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner as it is evident that he has previously misused the concession of bail granted to him by absconding and thus, delaying the conclusion of the trial.



6. Accordingly, the instant petition is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 31, 2024
poonam

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