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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-25828-2024
Date of decision:-29.08.2024

VINOD KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed Custody Certificate dated 28.08.2024, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case :-

FIR No.	Dated	Sections	Police Station
139	12.07.2019	21 of NDPS Act	Division No.7, District Police Commissionerate Ludhiana

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner after being arrested in the instant FIR No.139, dated



12.07.2019, was granted concession of bail vide order dated 30.01.2023 passed by this Court in CRM-M-13193-2021(Annexure P-1). Thereafter, petitioner had been regularly appearing in Court but on account of another case registered against him he absented from proceedings and ultimately, was declared proclaimed offender in this case vide order dated 14.11.2023 (Annexure P-7). He has also referred to order dated 06.09.2023 (Annexure P-3) to support this contention regarding another case being registered against him and submits that the petitioner had surrendered on 05.12.2023 and since then he is in custody. The trial is going at a snail pace, as such, he prays for grant of concession of bail to the petitioner.

5. Learned State counsel has not disputed the factual matrix of the case and submits that the petitioner has already misused the concession of bail so he does not deserve concession of bail, as such he prays for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that admittedly, petitioner was granted bail vide order dated 30.01.2023 passed by this Court in CRM-M-13193-2021(Annexure P-1). It is evident from order dated 06.09.2023 (Annexure P-3) that the petitioner was apprehended in another case and later on granted concession of bail. It is also evident that the petitioner was declared as proclaimed offender in this case vide order dated 14.11.2023 (Annexure P-7) and later on surrendered in Court on 05.12.2023 and since then he is in custody. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time.

7. In these circumstances, without commenting on the merits of the



case, it is observed that no purpose would be served by keeping petitioner behind bars any longer. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

29.08.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No