

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

228

CRM-M-40048-2023 (O&M)
Date of Decision:- 20.02.2024

DEEPAK KUMAR @ RAVI

Versus

...Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vipul Babuta, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 15.02.2024 filed in the form of an affidavit of Assistant Commissioner of Police, Industrial Area-A, Ludhiana is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
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 to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
38	24.05.2016	22 of the NDPS Act; 379-B and 411 IPC	Moti Nagar, District Ludhiana

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, after having been nominated and arrested in the aforesaid FIR, was granted the concession of bail vide order dated 27.09.2017 (Annexure P-2). Thereafter he had been appearing in the trial Court, however, due to his absence on 09.11.2017, his bail was cancelled and non-bailable warrants had been issued against him. He submits that his absence was not intentional but due to the reason that he was in judicial custody in other cases. He contends that later, the petitioner was arrested in case FIR No.42 dated 26.02.2021 registered at Police Station Moti Nagar and in the meanwhile, proclamation for his presence was issued by learned trial Court and he was declared proclaimed offender on 16.11.2022 (Annexure P-5) while he was still in custody. He submits that the petitioner, after his arrest in the present case, is in custody since 25.05.2023 and undertakes to regularly appear in Court on each and every date of hearing if granted the concession of bail. He thus prays for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel has opposed the bail petition on the ground of pendency of other cases against the petitioner, however, admits that he is on bail in most of them.

6. After considering the rival contention and perusing the record, it transpires that as far as the present petition is concerned, the petitioner is in custody only on account of being absent from proceedings and being declared as proclaimed offender in the case vide order dated 16.11.2022 (Annexure P-5), although he was already in judicial custody in another case bearing FIR No.42 of the same police station since 26.02.2021. The

conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and in these circumstances this Court finds that no purpose would be served by detaining the petitioner in custody any longer.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.
9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

20.02.2024

S.Sharma(syr)

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