



226

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

CRM-M-40949-2024**Date of Decision: 16.09.2024**

Babbu alias Babbu Rani

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kamal Narula Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.166 dated 04.10.2015 registered under Sections 21, 61 and 85 of NDPS Act, at Police Station Muktsar City, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that the police has falsely shown a recovery of 10 grams of heroin from the petitioner. The petitioner was granted regular bail by the trial Court on 06.11.2015 (Annexure P-2) and thereafter, the petitioner was regularly appearing before the trial Court. However, on 20.01.2020, the petitioner was absent during trial and non-bailable warrants were issued against him. He further contends that now the petitioner has been again arrested on 15.04.2024 and is in custody for the last more than 5 months.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner may again abscond as he was arrested after several years.



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

5. No doubt, the petitioner has absented from the trial Court for a long period, still he cannot be kept confined in jail for a longer period as very small quantity of heroin was recovered from him. Thus, no purpose will be served by keeping the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.



- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

16.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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