



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-41975-2024
Date of Decision : 03.09.2024

Mohan Singh @ Bhucha

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Bikramjit Singh Baath, Advocate for the petitioner.
Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita for the grant of regular bail to the petitioner in
case FIR No. 44 dated 10.04.2019, under Sections 22, 61, 85 of NDPS Act,
1985 registered at Police Station Division-1, Jalandhar.

Learned counsel for the petitioner submits that earlier
considering all the facts, the petitioner was granted the concession of bail
while passing order in CRM No. M-9971 of 2022 titled as ***Mohan Singh
alias Bhucha Vs. State of Punjab***, decided on 14.03.2022 (Annexure P-2)
but thereafter, during the trial unfortunately the petitioner could not appear
on the date fixed for hearing i.e. 25.07.2024 and his bail was cancelled.

Learned counsel for the petitioner further submits that
immediately upon coming to know about the cancellation of his bail by the
trial Court, the petitioner surrendered before the authorities on 31.07.2024



and is behind bars as of now. Learned counsel for the petitioner submits that the application seeking the grant of regular bail has been rejected by the court below vide order dated 09.08.2024 (Annexure P-3).

Learned counsel for the petitioner submits that the default of not attending the hearing qua the petitioner only related to the hearing fixed for 25.07.2024 and no other default has been pointed out qua the petitioner even in the order dated 09.08.2024 rejecting the bail, hence, no useful purpose will be served by keeping the petitioner behind the bars, especially when the petitioner undertakes before this Court that henceforth, he will attend all the hearings fixed before the trial court unless and until granted prior exemption.

Notice of motion.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that once, the petitioner had undertaken before this Court to attend all the hearings when he was granted bail by this Court, remaining absent even on one date, the bail could have been cancelled, which right has been exercised by the trial Court hence, the prayer of the petitioner for the grant of regular bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It may be noticed that the petitioner could not attend one hearing fixed for 25.07.2024 before the trial Court and his bail was cancelled. The petitioner surrendered before the authorities within a period of seven days and is behind bars as of now. Merely that the petitioner has



missed one date of hearing, cannot be made a ground unless and until, the intention of the petitioner is to delay the trial or to jump the bail. No such finding has been recorded by the court below that the petitioner without any valid justification, intentionally did not attend the proceedings on 25.07.2024.

In the absence of any such finding recorded by the trial Court coupled with the fact that the petitioner himself surrendered within a period of seven days of cancellation of bail and that the trial is likely to take some time before it finally concludes, the prayer of the petitioner for the grant of regular bail is accepted. The petitioner is directed that henceforth, he will attend all the hearings before the trial court unless and until granted prior exemption by the competent court of law.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 03, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No