

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44298-2024
Date of decision:-12.09.2024

DALVIR SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Sahil Vashishat, Advocate for the petitioner.
Mr. Iqbalpreet Singh, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed custody certificate dated 11.09.2024 the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
41	12.02.2018	21 NDPS	City Khanna, Ludhiana

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



contends that after being arrested in this case (Annexure P-1), petitioner was granted concession of bail, however during course of proceedings he could not attend the case being a truck driver, leading to cancellation of bail and issuance of warrants. Ultimately the petitioner was declared as proclaimed person in the case and he surrendered in Court on 18.04.2024 and since then he is in custody. He contends that conclusion of trial will take sufficient long time as such he prays for grant of regular bail to the petitioner.

4. Per contra, learned State counsel, has opposed the bail petition by arguing that the petitioner had absented from the proceedings initially and if granted concession of bail he will again abscond, hence he prays for dismissal of the bail application.

5. After considering the submissions made by both the sides and perusing the record, it transpires that petitioner was arrested in case FIR (Annexure P-1) and thereafter was granted concession of bail vide order dated 14.03.2018 (Annexure P-2). The petitioner absented himself during the course of proceedings and later on was declared as proclaimed person vide order dated 18.04.2024. It is evident from record that the petitioner had filed CRM-M-58690-2022 in this Court which was decided on 21.12.2022 directing the petitioner to deposit ₹10,000/- as costs and to surrender before the trial Court, however it is submitted by learned counsel for the petitioner that on account of financial problem he could not deposit the cost and as such the said order could not be acted upon. However, the petitioner surrendered and is in custody since 18.04.2024. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner, the recovery allegedly effected from the petitioner in the present case is 35 grams

of smack which does not come within the purview of commercial quantity.

6. In these circumstances, no purpose would be served by detaining the petitioner any longer in custody, as a result, the present petition is allowed. The petitioner is ordered to be released on regular 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.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

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

(SANJIV BERRY)
JUDGE

12.09.2024

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