



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45130-2024
Date of Decision:24.10.2024

Devinder Singh @ Jora ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. H.S Chaddha, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 14, dated 26.01.2021, under Sections 22 of NDPS Act and 25 of Arms Act, registered at Police Station Sadar, Rupnagar (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner was earlier granted the concession of bail in the present case on 09.03.2021 (Annexure P-2), by the Court of Additional Sessions Judge, Rupnagar. After the grant of bail, the petitioner was regularly appearing before the Trial Court, however, on 17.02.2024, father of the petitioner met with an accident and due to this, the petitioner could not appear before the Trial Court on 27.02.2024. He further contends that the petitioner had applied for grant anticipatory bail and in the meantime, he was declared a proclaimed person on 20.05.2024. He further contends that the act of non-appearance of the petitioner

before the Trial Court was unintentional and the petitioner had surrendered without any delay.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in six more criminal cases, however, he could not dispute the fact that the petitioner was on bail in the present case in terms of the order dated 09.03.2021 (Annexure P-2)

4. Having heard the learned counsel for the parties and perused the record, this Court is of the considered opinion that the present petition deserves to be allowed by this Court. The petitioner was earlier granted the concession of bail on 09.03.2021 and was appearing before the Trial Court, however, due to non-appearance of the petitioner, his bail was cancelled and he was arrested in the present case on 08.07.2024 and now the petitioner is in judicial custody for the last more than 03 months and no purpose will be served by keeping the petitioner behind the bars.

5. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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.*

6. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

24.10.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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