



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

CRM-M-45853-2024
Date of decision: 16.09.2024

Inderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 of BNSS 2023 for grant of bail in criminal case having FIR No. 86, dated 25.06.2019, registered at Police Station Jhunir, District Mansa, under Sections 21 and 25 of NDPS Act, 1985.

2. The counsel for the petitioner inter alia submits that the present case is relating to recovery of 10 grams of heroin from possession of 5 persons including the present petitioner and during investigation, the petitioner was granted regular bail vide order dated 01.02.2022 (Annexure P-4). It is further submitted that the petitioner got absented on 07.02.2024 and consequently, his bail was cancelled and the petitioner was directed to be summoned through nonailable warrants of arrest. It is further submitted that the absence of the petitioner before the trial Court on 07.02.2024 was not intentional. It is further submitted that even now the petitioner is ready to join the proceedings before the trial Court at the earliest.

3. Notice of motion.



4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and on instructions from ASI Balbir Singh submits that earlier also the petitioner jumped bail and he is in habit of doing so. It is further submitted that lastly, petitioner got absented on 07.02.2024 and consequently, his bail was cancelled and now his non bailable warrants of arrest are issued. However, the State counsel has not disputed the fact that the recovery effected in the present case was of 10 grams of heroin and petitioner was initially granted regular bail vide order Annexure P-4.

5. The present case is relating to recovery of non commercial quantity of contraband and as such rigors of Section 37 NDPS Act are not applicable to the case of the petitioner.

6. In light of the above, without expressing any opinion on the merits of the case, the present petition is hereby disposed of in the interest of justice and in order to avoid any further delay in trial with direction to the petitioner to appear before the learned trial Court within next 10 days and on his doing so, the petitioner is to be released on regular bail by the Court concerned to its own satisfaction and subject to cost of Rs.10,000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

7. Disposed of in aforesaid terms.

16.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No