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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.46295 of 2024
Date of Decision: 19.11.2024

Raju ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Zorawar Singh Chauhan, Advocate,
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
54	25.02.2019	Phillaur, District Jalandhar Rural	307 and 34 of IPC and 25 and 27 of Arms Act, 1959 (For short “Act, 1959”)

2. The facts relevant for the purpose of disposal of the present petition as briefly narrated are that the petitioner has been booked for commission of aforementioned offences on the basis of complaint lodged by the complainant Arjan @ Nandi. He had been arrested during the course of investigation and had been extended benefit of bail vide order dated 07.11.2019 passed by this Court in CRM-M-25313 of 2019. He

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regularly appeared before the learned trial Court till 25.10.2021. He was absent on 23.11.2021 due to which his bail was cancelled and bonds were forfeited to the State. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed person on 23.01.2023. He was arrested again in this case as on 18.03.2024 and is in custody since then. He moved an application for grant of regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Jalandhar vide order dated 12.07.2024.

3. It is argued by learned counsel for the petitioner that the petitioner was addicted to drugs and was not in his normal senses. He was admitted in Rehabilitation Centre during the period from 03.05.2022 to 26.09.2022. He could not appear before the learned trial Court due to the aforementioned circumstances. He is ready to abide by the terms and conditions for grant of regular bail. Therefore, it is urged that he be extended benefit of bail.

4. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner and the fact that he has already misused the concession of bail, he does not deserve to be released on bail. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner who was declared a proclaimed offender/person

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in this case in January 2023, had been arrested on 18.03.2024 and is in custody since then. He is stated to be involved in one more case registered under Sections 25 and 27 of the Act, 1959. The trial is going on and is likely to take time. Keeping in view the period spent by the petitioner in custody, I am inclined to extend him benefit of regular bail. Therefore, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds and surety bonds to the extent of two sureties to the satisfaction of learned trial Court and further subject to the condition that till the conclusion of the trial, he shall appear before the Police Station Phillaur, District Jalandhar Rural, once in the first Monday of every month. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

19.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No