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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52782-2023 (O&M)
Date of Decision:- 22.04.2024

SONU DHAMI

Versus

...Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Atinderpal Singh, Advocate for the petitioner.
Mr. Japjot Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
13	30.01.2018	21 and 29 of the NDPS Act	Division E, District Amritsar

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner was arrested on 21.05.2018 and subsequently during the course of trial, he absented from the proceeding and ultimately declared as proclaimed offender in the case. He further submits that the petitioner was re-arrested on 27.05.2023 and since then he is in custody. He

contends that the petitioner was nominated on the basis of disclosure statement of co-accused Suraj alias Rahul, from whom recovery of 40 grams of heroin was effected. It has been submitted that the conclusion of trial will take sufficient long time, thus, prayed for grant of regular bail to the petitioner.

3. Learned State counsel while referring to the status report submitted by the State has not disputed the factual matrix, but has submitted that 3 more cases are pending against the petitioner as such he is not entitled to the concession of bail.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that so far as the factual matrix is concerned, the same is not disputed that the petitioner was nominated on the basis of disclosure statement of co-accused Suraj @ Rahul, who was found in possession of 40 grams of heroin, when apprehended by the Police on 30.01.2018. Subsequently, the petitioner was arrested on 21.05.2018 and thereafter he was granted bail vide order dated 19.06.2018 (Annexure P-2). Subsequent thereto, the petitioner appeared before the trial Court on different dates but later absented from the proceedings and ultimately declared proclaimed offender in this case vide order dated 17.01.2022. The petitioner was re-arrested in this case on 27.05.2023 and since then he is in custody. The petitioner was re-arrested mainly because of his having absconded from the trial. The recovery effected in this case is not of commercial quantity and the same has been effected from the co-accused Suraj @ Rahul. The conclusion

of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

22.04.2024

S.Sharma(syr)

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