

243

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-56214-2024 (O&M)
Date of Decision:- 17.12.2024

SARABJIT SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Deepak Goyal, Advocate for the petitioner.
Mr. Amit Shukla, AAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
6	14.01.2018	20, 25, 29 of the NDPS Act	Mehal Kalan, District Barnala

2. It is, *inter alia*, contended by learned counsel for the petitioner that after having been arrested in case FIR (Annexure P-1), the petitioner was granted the concession of bail by this Court vide order dated 14.02.2020 passed in CRM-M-54256-2019 (Annexure P-2) and thereafter, he had been regularly appearing in the trial Court. However, on 21.08.2024, the petitioner could not appear in the Court on account of having noted a wrong date of hearing, leading to cancellation of his bail and issuance of non-



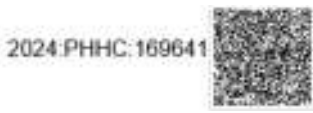
bailable warrants of arrest. Learned counsel further submits that the petitioner thereafter himself surrendered in the Court on 16.10.2024 and since then he is in custody. He further submits that the absence of the petitioner was not intentional but due to the reason aforesaid and if granted the concession of bail, he will regularly appear in Court on each and every date of hearing. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel has not disputed the factual matrix but submitted that the petitioner had misused the concession of bail, therefore, he does not deserve the concession of bail.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that it is not disputed that the petitioner, after being arrested in the present FIR, was granted the concession of bail by this Court vide order dated 14.02.2020 (Annexure P-2). Presently, the petitioner is in custody since 16.10.2024, due to absenting from the proceedings on 21.08.2024. The conclusion of trial will take sufficient long time to ascertain the criminal liability, if any, of the petitioner. In these circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, 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/Judge on Duty/Duty Magistrate concerned, if not required in any other case. The petitioner is also burdened with costs of Rs.5,000/- to be deposited in the District Legal Services Authority, Barnala.



Petitioner is also directed to furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency he will seek prior exemption from the Court in accordance with law; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

- 7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

17.12.2024
S.Sharma(syr)

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