

2025:PHHC:011806



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

243

CRM-M-3406-2025 (O&M)

Date of decision: 27.01.2025

Sonu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case bearing FIR No. 294 dated 30.04.2020, registered under Section 188 of IPC and 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Hisar Sadar, District Hisar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 30.04.2020, the petitioner and co-accused Lalit @ Raju were apprehended by the police party and recovery of 55 grams of heroin was effected from the petitioner, whereas 40 grams of heroin was recovered from the said co-accused. Both of them were formally arrested at the spot. The petitioner was granted concession of regular bail by the learned trial Court, vide order dated 10.06.2020. Thereafter, the petitioner was regularly appearing before the learned trial Court. However, he absented himself from the Court proceedings, consequent to which, his bail had been cancelled by the trial Court and ultimately he was declared a proclaimed offender on 22.03.2022. The petitioner

2025:PHHC:011806



was re-arrested on 08.06.2024 and since then, he is custody. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 11.11.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was granted concession of regular bail by the learned trial Court and was regularly attending the Court proceedings but due to some misunderstanding, he could not appear before the learned trial Court resulting into cancellation of his bail. He was ultimately declared a proclaimed offender and was arrested on 08.06.2024. Learned counsel for the petitioner has further submitted that the absence of the petitioner before the trial Court on the said date was neither intentional nor deliberate. He is ready to abide by the terms and conditions to be imposed by this Court. He undertakes to attend the Court proceedings, as and when he is required to do so. Conclusion of trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of regular bail.

4. *Per contra*, learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that the petitioner has intentionally avoided his presence before the learned trial Court resulting into cancellation of his bail. He was declared a proclaimed offender. Before being re-arrested on 08.06.2024, he had absconded for a period of more than two years. He is involved in some more cases under the NDPS Act and if released on bail, there are chances of his absconding and indulging in similar offences. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record very carefully.

2025:PHHC:011806



6. Admittedly, the petitioner was granted concession of regular bail by the learned trial Court. He had absented himself on 22.03.2022, consequent to which, his bail had been cancelled. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed offender on 22.03.2022. The petitioner was re-arrested on 08.06.2024 and since then, he is in judicial custody. The petitioner had absconded for a period of more than two years. He is stated to be involved in four other FIRs under the NDPS Act. Hence, the apprehension of learned Assistant Advocate General, Haryana that if released on bail, the petitioner can again abscond and indulge in similar offences cannot be stated to be unfounded, at this stage. The trial is going on and there is nothing on record to suggest that there would be undue delay. Keeping in view the past conduct of the petitioner, his criminal antecedents and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner is not entitled to get benefit of regular bail, at this stage. Hence, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

27.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No