



220-1

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

1. CRM-M-2969-2025

BALWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

2. CRM-M-12548-2025

SARABJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

Decided on : 22.07.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Prateek Pandit, Advocate,
for the petitioner(s).

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J (ORAL)

1. Present petitions have been filed by the petitioners namely Balwinder Singh and Sarabjit Singh, seeking grant of regular bail in case bearing FIR No.116, dated 09.06.2020, under Section(s) 22, 29 of NDPS Act, registered at Police Station Kotwali, District Kapurthala.

2. Counsel for the petitioners submits that there are total five accused in the case, namely Balwinder Singh, Inderjit Singh, Sarabjit Singh, Rani @ Rano, and Kinder Singh. All the accused were granted the concession of bail at the very outset during the course of the trial. However, on 16.11.2023, all of them were absent during the court



proceedings. It is submitted that their absence was not deliberate but occurred due to miscommunication with the counsel, who was representing them before the trial Court.

3. Further submits that vide order dated 24.01.2025 (passed in CRM-M-2969-2025), and order dated 26.05.2025 (passed in CRM-20152-2025 in CRM-M-12548-2025), interim bail was granted to the petitioners on furnishing adequate bail and surety bonds, subject to the satisfaction of learned Special Court/CJM/Duty Magistrate concerned.

4. For reference, order dated 24.01.2025 passed in CRM-M-2969-2025 is reproduced here under:-

“Contends, inter alia, that non-appearance of the petitioner before learned Special Court on 16.11.2023 was not intentional; rather the same was on account of some communication gap with his counsel.

Learned State counsel seeks time to verify the pendency of other cases against the petitioner.

Posted for 11.03.2025.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned Special Court/CJM/Duty Magistrate concerned.”

5. For reference, order dated 26.05.2025 passed in CRM-20152-2025 (in CRM-M-12548-2025) is reproduced here under:-

“Present application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim regular bail to the applicant/petitioner in FIR No.116 dated 09.06.2020, under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotwali Kapurthala, District Kapurthala.

(2) Contends that remaining four co-accused, namely, Kinder Singh, Rani @ Rano, Balwinder Singh & Inderjit Singh have already been granted



interim bail by this Court, vide orders dated 21.02.2025, 10.02.2025, 24.01.2025 & 05.03.2025 (A-2 to A-5, respectively).

(3) Notice of the application to the non-applicant/respondent.

(4) Ms. Manjot Kaur, learned AAG, Punjab accepts notice on behalf of the non-applicant/respondent and acknowledges the above factual position.

(5) Custody Certificate dated 24.05.2025 of the applicant/petitioner has been produced and which is taken on record. Copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.

(6) In view of the above, present application is allowed as prayed for subject to all just exceptions. Applicant/petitioner is also granted the benefit of interim bail at par with aforesaid co-accused. Applicant/petitioner be released on interim bail, in the present case, till the next date of hearing i.e. 22.07.2025, the date already fixed in the main case, on furnishing adequate bail and surety bonds subject to satisfaction of learned Special Court/CJM/Duty Magistrate.

(7) Disposed off accordingly.

(8) Registry to list the main case on the date already fixed i.e. 22.07.2025.”

6. Counsel for the petitioners contends that petitioners were earlier released on bail on 07.04.2021 by learned trial Court. However, they defaulted in their appearance before the trial court on 16.11.2023, which led to the cancellation of their bail. Subsequently, realizing their mistake, which was primarily due to lack of communication with the counsel concerned, they voluntarily appeared before the trial court and petitioner – Balwinder Singh surrendered himself on 24.12.2024, and petitioner – Sarabjit Singh surrendered himself on 07.01.2025. Thereafter, this Court was pleased to grant them interim bail, vide order dated 24.01.2025 passed in CRM-M-2969-2025, and order dated 26.05.2025 passed in CRM-20152-2025 (in CRM-M-12548-2025). In compliance with the said orders, petitioners were released on interim



regular bail after furnishing the requisite bail bonds as directed by this Court.

7. Counsel for the petitioners further submits that default in appearance on 16.11.2023 was not intentional on the part of any of the petitioners. The absence occurred solely due to miscommunication, and it was on this account that both the accused failed to appear and were consequently marked absent, leading to the cancellation of their bail.

8. On the other hand, learned State counsel disputes the contention addressed by counsel for the petitioners, and submits that position is entirely different to what has been stated by counsel for the petitioners, and opposes for grant of bail to the petitioners.

9. Be that as it may, in view of the fact that, in compliance with the directions dated 24.01.2025 passed in CRM-M-2969-2025, and order dated 26.05.2025 passed in CRM-20152-2025 (in CRM-M-12548-2025) by this Court, **petitioners have already put in their appearance and have undertaken not to remain absent in future so as to avoid any delay in the proceedings**, this Court deems it appropriate to confirm the interim directions issued on the aforementioned dates in the respective petitions.

10. Accordingly, present petitions are allowed, and petitioners are ordered to be released on regular bail, subject to their furnishing of fresh bail/surety bonds to the satisfaction of the learned trial Court, if not required in any other case.

However, it is clarified that, in the event petitioners remain absent from the proceedings without obtaining prior permission of learned trial Court, such absence shall be viewed seriously, and in that



eventuality, benefit of bail granted by this Court to the petitioners shall become inoperative.

11. With the reasons recorded here above, present petitions stand disposed of.

12. A photocopy of this order be placed on the file of other connected case.

22.07.2025
Lavisha

(SANJAY VASHISTH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>