



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-7584-2025
Decided on : 14.02.2025

Sameer Kumar . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. S.K. Sirsa, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sameer Kumar	38	15.02.2021	21/61/85 of NDPS Act, 1985	Civil Line	Patiala

2. Learned counsel for the petitioner submits that, as per the allegations, a total of 50 grams of smack was recovered from three accused persons, including the petitioner. Considering the recovered quantity of contraband and other mitigating circumstances, the petitioner was granted interim bail vide order dated 26.05.2021, primarily due to the outbreak of the COVID-19 pandemic. He further submits that, thereafter, the pandemic reached its peak, and due to unavoidable circumstances and his own condition, the petitioner was unable to appear before the learned Court below to present/surrender himself and join the process of law. Consequently, vide order



dated 29.11.2022, the petitioner was declared a proclaimed offender. Thereafter, he was re-arrested and produced before the Court on 03.09.2024.

Counsel further submits that, since the time of his re-arrest on 03.09.2024, the petitioner is there inside jail and has already learnt the lesson to be never absent from the Court proceedings in future. Thus, learned counsel prays for the grant of regular bail to the petitioner.

3. On advance notice and in response to the arguments addressed by the counsel for the petitioner, learned State counsel produces the custody certificate dated 12.02.2025 in Court today, which is taken on record. The office is directed to tag the same at the appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, the petitioner has already remained inside jail for a period of more than 08 months in the present case and is not involved in any other criminal case also. Moreover, learned State counsel submits that, out of total of 09 prosecution witnesses, only 02 have been examined, so far.

However, learned State counsel contends that since the petitioner is a defaulter, who has misused the concession of interim bail, he does not deserve any further concession.

4. I have heard the learned counsel for the parties and perused the relevant material available on record, specifically the order dated 22.10.2024, whereby the petitioner's regular bail application was dismissed by the learned Trial Court.

Undoubtedly, out of the total 09 prosecution witnesses, only 02 have been examined by the prosecution so far, and the recovery of 50 grams of smack was from three persons, including the petitioner. The petitioner has already remained for substantial period inside jail, even after being re-arrested.



Thus, there being no strong reason, further liberty of the petitioner is not required to be curtailed.

5. Accordingly, in view of the totality of circumstances, and the facts viz-a-viz allegations leveled against the petitioner, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the petitioner.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 14, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*