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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9261-2025
Date of Decision: 21.02.2025

SATNAM SINGH ALIAS BITTU
VERSUS
STATE OF PUNJAB

....Petitioner(s)
....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ravi Dangi, Advocate for the petitioner.
Mr. Amandeep 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
Satnam Singh @ Bittu	151	13.07.2019	21 of NDPS	Gorayan	Jalandhar Rural

2. Learned counsel for the petitioner contends that the alleged recovery effected from the petitioner is 40 gms of Heroin, which is much less to the commercial quantity i.e. 250 gms. Counsel further contends that after arresting the petitioner on 13.07.2019, he was released on bail by learned trial Court after the custody period of about 2 months. Counsel also submits that on account of his absence during the course of trial from the time of granting of bail till 23.05.2022, petitioner was regularly appearing before trial Court, but on account of absence on

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31.07.2023, he was declared as proclaimed offender. Further submits that petitioner was absent due to mental depression and on that account the bail already granted to the petitioner was cancelled. Thereafter, petitioner was again arrested and the bail application moved by him before learned trial Court was also dismissed vide order dated 08.01.2025 (P-2).

Counsel further submits that the quantity recovered is only 40 gms and after the re-arrest of the petitioner in this case, petitioner has remained inside jail for a period of 01 month and 13 days, thus, prays for grant of bail.

3. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 20.02.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 month and 13 days period inside jail. He does not dispute the period of custody after re-arresting of the petitioner in jail but submits that vide judgment dated 07.08.2023, in a different case, petitioner has been convicted under Section 22 of the NDPS Act and has also been sentenced to undergo rigorous imprisonment for 03 years with fine amount.

State counsel further submits that in the present case, petitioner stopped appearing before the trial Court w.e.f. 23.05.2022 and was declared proclaimed offender on 21.07.2023.

Now, after being arrested in the FIR No.136 dated 13.07.2017,

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inside jail but the said period would not be counted towards the custody period of the present case.

4. Be that as it may, after noticing both the aforementioned circumstances including that there is recovery of 40 gms of heroin from the petitioner in the present case, which is much less than the commercial quantity i.e. 250 gms and that earlier also he was released on bail, therefore, to afford one more chance to the petitioner, 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.

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

6. The observation made hereinabove 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.

7. 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.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 21, 2025

Sangeeta

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No