

225

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22633-2025
Date of decision:-23.05.2025

GURPREET SINGH ALIAS GORA
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. G.S. Sandhu Advocate for the petitioner.
Mr. Durgesh Garg, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of an affidavit dated 22.05.2025 of Deputy Superintendent of Police, Sub-Division Sardulgarh, District Mansa, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0018	30.04.2018	22, 25 NDPS Act and 379, 411, 120-B IPC (473 IPC added later on)	Jaurkian District Mansa

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was granted concession of regular bail vide order

dated 03.12.2020 (Annexure P-3). Thereafter, he had been regularly appearing in trial Court but due to unavoidable circumstances he absented from the proceedings on 07.08.2024 leading to the trial Court to issue non-bailable warrants of arrest and ultimately being declared proclaimed offender vide order dated 12.11.2024 and petitioner was arrested 15.02.2025, since then he is in custody. The learned counsel for the petitioner undertakes that petitioner will regular appear on each and every date and is ready to furnish double surety. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State referring to the reply submitted by the State has assailed these arguments and opposed the bail petition by arguing that petitioner has misused the concession of bail granted to him and absented from the proceedings of Court, as such he is not entitled to concession of bail, hence prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the factum of the petitioner being granted concession of bail vide order dated 03.12.2020 (Annexure P-3) passed by this court in CRM-M-19677-2020 is not disputed. It is also not disputed that during course of trial the petitioner had absented from the proceedings, leading to him being declared as proclaimed offender vide order dated 12.11.2024. He is in custody since 15.02.2025, the conclusion trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time. The petitioner is in custody only on account of being absented from the proceedings and being declared proclaimed offender for which he had already spent sufficient period in custody, as such no purpose would be served by detaining the petitioner any longer in custody.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to deposit of ₹5000/- in District Legal Services Authority, Mansa, furnishing bail bonds/surety bonds with two sureties in the like amount, to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

23.05.2025

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