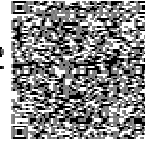


2025:PHHC:103772



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

CRM-M-29425-2025 (O&M)

Reserved on : 07.08.2025

Pronounced on : 12.08.2025

Manish Kumar @ Machhar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ankit Saini, Advocate
for the petitioner.

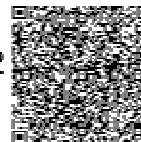
Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 0034 dated 30.01.2021, registered under Sectionz 22/22(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kotwali Patiala, District Patiala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 30.01.2021, the petitioner was apprehended by a police party and recovery of 30 grams of intoxicating powder was effected from him. Subsequently, he was granted concession of regular bail by this Court, vide order dated 06.12.2021 passed in **CRM-M-19324-2021**. The petitioner was facing trial. However, he absented himself from the Court proceedings on 05.02.2024, which resulted into cancellation of his bail and ultimately into his declaration as proclaimed offender on 13.09.2024. He was arrested in some other case on 30.04.2024 and was taken into custody in this case

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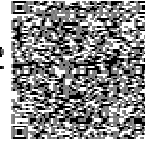
also by way of production warrant. Since then, the petitioner is in custody.

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 this Court and was regularly attending the Court proceedings but on 05.02.2024, due to some unavoidable circumstances, he could not appear before the trial Court, resulting into his cancellation of bail and then into declaration as proclaimed offender. It is further submitted that in the meanwhile, he was arrested on 30.04.2024 in connection with FIR No. 84 dated 30.04.2024 and was in custody. Therefore, there was no occasion for him to appear before the learned trial Court. He has been granted concession of bail in aforesaid case bearing FIR No. 84. Learned counsel for the petitioner has further submitted that the absence of the petitioner before the trial Court on the said date and thereafter on subsequent dates 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. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of regular bail.

4. Custody certificate has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his conduct, he is not entitled to get benefit of bail. 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

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carefully.

6. Admittedly, the petitioner was granted concession of regular bail by this Court as mentioned above. A perusal of the zimni orders placed on record by the petitioner shows that he was regularly appearing before the Court. However, he absented himself on 05.02.2024, consequent to which, his bail had been cancelled and he was declared a proclaimed offender. He was arrested in some other case on 30.04.2024 and was taken into custody in this case as well by way of production warrant. Since then, he is in custody as his application for grant of regular bail had been dismissed by the trial Court. The absence of the petitioner on the aforesaid date is obviously due to his carelessness but it does not attract the consequence of keeping him into custody through the entire trial. It is also to be seen that since he was in custody in connection with some other case, there was no possibility for him to appear before the learned trial Court in the present case. He is stated to have been acquitted in the other case. He is in custody since the date of his re-arrest. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that this petition deserves to be allowed. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal bond and two sureties to the satisfaction of the trial Court/Duty Magistrate concerned.

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.

12.08.2025

Wasim Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No