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

CRM-M-31402-2025**Date of Decision:04.07.2025**

Kuldeep

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Nitin Mittoo, Advocate with
Mr. Harshit Ahuja, Advocate and
Mr. Satnam Singh, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.213 dated 29.04.2020 registered under Section 21(b) of NDPS Act, at Police Station City Fatehabad, District Fatehabad.

2. As per case of the complainant, the petitioner along with his co-accused Deepak son of Jagdish were arrested by the police and 20 grams of heroin was recovered from the right side pocket of kurta of the petitioner, whereas 50 grams of heroin was recovered from the right side pocket of trouser of Deepak. Learned counsel further submits that the petitioner remained in custody from 29.04.2020 to 04.06.2020, when he was admitted to bail by the Court. He was continuously appearing before the trial Court, however, due to some personal difficulty, he absented on 27.02.2023 and was ultimately declared as proclaimed offender on 23.05.2024. He was re-arrested on

05.09.2024 and is languishing in jail for the last about 10 months. He further contends that the petitioner is not facing any other case under the provisions of NDPS Act.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a hardened criminal and is facing three other criminal cases. However, he admits that no other case under the provisions of NDPS Act has been registered against the petitioner.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner was extended the benefit of bail on 04.06.2020. However, during the course of trial, when he absented from the trial Court, his bail was cancelled and was re-arrested on 05.09.2024. Now, the petitioner is behind bars for the last 10 months. Even otherwise, the recovery of contraband from the petitioner is non-commercial in nature. Further, the prosecution has been able to examine only two witnesses, out of total 11 witnesses so far. Thus, the trial is not likely to conclude in near future.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.*

04.07.2025

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**(N.S.SHEKHAWAT)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No