



CRM-M-34961-2024

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

CRM-M-34961-2024

Date of Decision: 23.01.2025

Soni Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.53 dated 01.03.2020 under Sections 21/25/29/61/85 of NDPS Act and Section 25 of the Arms Act, 1959 registered at Police Station Maqboolpura, District Amritsar.

2. It has been contended by counsel for the petitioner that the petitioner was arrested in the present FIR earlier on 01.04.2020. He submits that the alleged recovery of 300 grams of heroin was effected from co-accused Prabhdeep Singh. He submits that the petitioner approached the trial Court praying for grant of bail, however, the same was declined, but thereafter, this Court vide order dated 26.02.2021 granted regular bail to the petitioner. He submits that after having been granted the bail in the present FRI, the petitioner was arrested in FIR No.54 dated 25.04.2021 on 07.06.2022. He submits that even in FIR No.54, the petitioner was granted bail on 09.10.2023. It is submitted that however, learned trial Court cancelled the bail of the petitioner in the present FIR on 25.01.2023 for the reason that he remained absent. He further submits that after having been arrested in FIR No.54 on 07.06.2022, the petitioner was granted bail on 09.10.2023 and thus, it is evident that the petitioner was behind bar when his bail was cancelled on 25.01.2023. He submits that the petitioner did not



intentionally remain absent from the Court as he was already behind bar and it was the duty of the State to produce him before the Court. It is submitted that co-accused from whom 300 grams of heroin was recovered, has already been granted bail. He, thus, submits that in the overall facts and circumstances of the present case, he deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that recovery of 300 grams of heroin was not effected from the co-accused but it is effected from the petitioner himself. On instructions from ASI Dilbagh Singh, he submits that the petitioner is involved in other cases as well and specially after having been granted bail, he was involved in other cases. He submits that out of total 14 prosecution witnesses, none has been examined till date.

5. After hearing counsel for the parties and perusing the record, it is deciphered that earlier the petitioner was granted bail in the present case by this Court vide order dated 26.02.2021. Though it has been submitted by learned State counsel that recovery of contraband was effected from the conscious possession of the petitioner, but it cannot be ignored that the Court had already appreciated these facts and granted him bail. The bail already granted to the petitioner, was cancelled on the ground that he remained absent from the Court. However, in the facts and circumstance of the case, it is apparent that the petitioner was behind bar in another case. Thus, the argument raised by counsel for the petitioner gains weight that he did not remain absent intentionally.

6. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the



petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing fresh bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.01.2025
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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE
Yes/No
Yes/No