

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53402-2024
Reserved on: 11.03.2025
Pronounced on: 19.03.2025

Sandeep Kumar @ Seepa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Garg, Advocate,
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
46	18.06.2021	Bhadaur, Distt. Barnala	22 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 11 of the bail petition and as per custody certificate dated 10.03.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated/Year	Offenses	Police Station
1.	13	21.01.2011	22 of NDPS Act	Bhadaur, Distt. Barnala
2.	65	2011	22 of NDPS Act	Bhadaur, Distt. Barnala
3.	101	28.03.2020	52 of Prisons Act	Tripuri, Distt. Patiala
4.	397	11.08.2021	120-B, 201, 366-A, 370-A, 376, 384, 506 IPC and Sections 4, 6 of Protection of Children from Sexual Offences Act, 2012	City Barnala
5.	16	11.03.2024	384, 120-B IPC	Mehal Kalan
6.	586	01.01.2018	8-9 Punjab Good Conduct Act, 1962	-

3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Copy of statement. To the Station House Officer, police station Bhadaur. Today I, SI along with SC Nirbhai Singh No.332/BR, C-Balwinder Singh No.289/BR, C-Sukhjinder Singh1012/BR were patrolling on a private car for checking the suspicious persons and vehicles near Miri Piri College,

Bhadaur then it is about 04:00 pm, a special informant came to me and given me the information that Sandeep Kumar alias Seepa son of Jasdev Kumar resident of Ward No. 04 Bada Chowk Bhadaur aged about 40 years old, whose physical appear is, wheatish color, tall, with a long beard, with cut hair, who is used to keeping and selling intoxicant tablets. Who today is also selling the intoxicant tablets in the area of city Bhadaur by roaming here and there. If the raid is conducted now, then a large quantity of narcotic pills etc. can be recovered from his possession, the information is a true and trustworthy. Sandeep Kumar alias Seepa fulfills the conditions of Section 22, 61/85 of the ND&PS ACT, the case was filed against the accused Sandeep Kumar alias Seepa, and so the ruqa was sent to police station through Balwinder Singh 289/BR to register the case by taking the print out by writing it from the laptop. The number should be informed about the file and the control room should be notified. For the further investigation of the case, a qualified investigation officer should be sent for the investigation.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. He further submits that the petitioner was on bail in this case but one day he absented due to which his bail stood cancelled. He contends that he himself surrender before the trial Court, which make him entitle for bail.

5. The State's counsel opposes bail.

REASONING:

6. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 28.05.2024, passed by the Judge, Special Court, Barnala.

7. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

CONDITIONS:

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall attend the Trial on every date and shall not seek any adjournment.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.03.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.