

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-56440-2024
Date of decision: 21.02.2025

SAHIB SINGH @ SABHI @ SABHAPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Meena, Advocate for
Mr. Amit Arora, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Custody certificate dated 20.02.2025 filed in Court today.

The same is taken on record. Copy thereof has been supplied to the
opposite counsel.

2. Short reply dated 20.02.2025 in the form of an affidavit of
Assistant Commissioner of Police, Central, Amritsar, has been filed. The
same is taken on record. Copy thereof has been supplied to learned
counsel for the petitioner.

3. By way of present petition filed under Section 483 of BNSS,
the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
15	09.02.2018	21 of NDPS Act, 1985 and Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 added later on.	Division E, District Amritsar.

4. Arguments heard.



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5. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case. She further contends that the petitioner is not named in the FIR but has been nominated on the disclosure statement of the co-accused from whom recovery of 10 grams of herion was allegedly effected. Consequent upon the arrest of the petitioner, no recovery has been effected from him. She submits that the petitioner was granted concession of bail, however, during the course of trial, he absented and was declared proclaimed offender in the case. She submits that the petitioner is already in custody since 08.07.2024 and conclusion of trial will take sufficient long time. Hence, prays for grant of regular bail to the petitioner.

6. On the other hand, learned State counsel, has not disputed the factual matrix of the case and admitted that presently the petitioner is in custody since 08.07.2024 on account of he being declared as proclaimed offender in this case. He has also not disputed the fact that no recovery of contraband has been effected from the petitioner.

7. After considering the rival contentions and perusing the record, it transpires that the petitioner, after having been arrested in the FIR (Annexure P-1), was granted concession of bail and it was on account of his absenting from trial that ultimately he was declared proclaimed offender in this case vide order dated 28.09.2022. Subsequently, the petitioner was arrested in this case and is in custody since 08.07.2024. The conclusion of trial, to ascertain criminal liability, if any, of the petitioner, will take sufficient long time. Admittedly, no recovery of contraband have



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been effected from the petitioner. Therefore, no purpose would be served by detaining the petitioner in custody any longer.

8. Accordingly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate/Judge on Duty 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.

9. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

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

(SANJIV BERRY)
JUDGE

21.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |