



222

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

CRM-M-61255-2024**Date of Decision:27.05.2025**

Kuldeep Singh alias Gaggi alias Gaggu

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Saksham Dudeja, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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.117 dated 03.05.2017 registered under Section 22 of NDPS Act, at Police Station Sadar Jagraon, District Ludhiana.

2. Learned counsel for the petitioner contends that after the registration of the FIR in the present case, the petitioner was arrested by the police in the present case and vide order dated 24.09.2020 (Annexure P-2), he was granted the concession of bail by this Court. After the grant of bail, he was regularly appearing before the trial Court. However, on 02.12.2022, he could not appear before the Court, when the case was called for hearing and his bail bonds and surety bonds were ordered to be forfeited to the State, the bail was cancelled and non-bailable warrants were ordered to be issued to procure his presence before the trial Court. He further submits that since the petitioner could not appear before the trial Court, he was ordered to be declared as

proclaimed offender. However, he was again arrested on 17.09.2024 and is in custody since then. Learned counsel further submits that in all, the petitioner has already suffered a custody of 01 year, 09 months and 11 days.

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 was declared as proclaimed offender on 18.11.2023 and was re-arrested on 17.09.2024. Thus, the petition deserves to be dismissed by this Court. However, learned State counsel could not dispute the fact that the petitioner was already on bail in view of the order passed by this Court on 24.09.2020 (Annexure P-2).

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

5. In the present case, it is not in dispute that the petitioner was earlier continuing in bail in view of the order dated 24.09.2020 (Annexure P-2) passed by this Court. However, due to non-appearance during trial, his bail was cancelled and he was put behind bars again on 17.09.2024. However, the petitioner in the present case has already suffered sufficient long custody and his further custody will not serve any meaningful purpose.

6. Consequently, 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.

27.05.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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