



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

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**CRM-M-6435-2025 (O&M)  
Date of Decision:- 28.05.2025**

MAM HUSSAIN

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present : Mr. Ishan Chopra, Advocate for  
Mr. Naresh Kumar, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG Punjab.

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**SANJIV BERRY, J. (ORAL)**

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

<b>FIR No.</b>	<b>Dated</b>	<b>Sections</b>	<b>Police Station</b>
163	15.10.2020	20 of the NDPS Act	Bullocal, District Hoshiarpur, Punjab

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, after having been arrested in case FIR (Annexure P-1), was granted the concession of bail vide order dated 30.05.2022 (Annexure P-4). Thereafter, he had been regularly appearing in the trial Court, however, on 15.10.2024, the petitioner could not appear in Court, leading to cancellation of his bail and issuance of non-bailable warrant of arrest. He



submits that the absence of the petitioner was on account of having wrongly noted the date of the hearing and it was not on account of any intentional misconduct. He submits that the petitioner is in custody since 13.12.2024 only on account of his absence on one date of hearing. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the petitioner has misused the concession of bail. He has, however, not disputed the factual matrix.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it is not disputed that after the registration of the FIR, the petitioner was arrested in the present case. Thereafter, upon completion of investigation, challan was presented in Court and charges were framed on 03.08.2021. The petitioner was granted the concession of bail vide order dated 30.05.2022 (Annexure P-4), and thereafter he had been regularly appearing in Court on each and every date of hearing. However, on 15.10.2024, the petitioner could not appear in Court leading to cancellation of his bail and issuance of non-bailable warrant of arrest. The absence of the petitioner on that date, as per his counsel, was on account of wrongly noted the date of hearing. The petitioner is in custody since 13.12.2024, and he is not having any criminal antecedents. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will still take considerable long time and keeping in view the fact that the petitioner is in custody only on account of his absence from



the proceedings on one date of hearing, no purpose would be served by detaining the petitioner in custody any longer.

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

7. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, in future, 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.

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

9. Pending miscellaneous application(s), if any, stands disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**28.05.2025**

*S.Sharma(syr)*

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