

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

**Criminal Misc. No. M-22406 of 2018
Date of decision: 24.07.2018**

Rajan Nagpal @ Pankaj Nagpal

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of petitioner-Rajan Nagpal @ Pankaj Nagpal for grant of regular bail in case FIR No.631 dated 10.07.2017 registered under Sections 21C and 22C of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Thanesar City, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner was arrested and released on bail vide order dated 16.09.2017 (Annexure P-2) but subsequently his bail bonds were cancelled as he could not appear before the trial Court due to the reasons beyond his control. Learned counsel further submits that the petitioner met with an accident. Learned counsel also submits that the case was fixed for 08.01.2018 for appearance of the petitioner after the petitioner was granted bail but the State moved cancellation and the date was preponed. The application filed by the

petitioner seeking exemption from personal appearance was dismissed without taking into consideration the fact that his absence was not intentional and deliberate. The petitioner never misused the concession of bail. All these factors have not been taken into consideration. Learned counsel for the petitioner also submits that the petitioner undertakes to appear on each and every date and to abide by all terms and conditions to be imposed by this Court or by the trial Court. The recovery has already been effected and the custodial interrogation of the petitioner is not required. No other case is pending against the petitioner and he is in custody since 27.04.2018

Learned State counsel has not disputed the fact regarding release of petitioner on regular bail; dismissal of the application for exemption from personal appearance and cancellation of bail.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Undisputedly, earlier the petitioner was released on regular bail as no recovery was to be effected from him and the trial was to take sufficient time to conclude. The application moved by the petitioner has been dismissed on the ground that the contraband recovered from the possession of the petitioner is of commercial quantity and FSL report was awaited. The bail bonds of the petitioner have been cancelled for non-appearance on one date as he met with an accident on 03.11.2017. The petitioner is in custody since 27.04.2018.

In view of the facts as mentioned above, the present petition is

allowed and the petitioner (Rajan Nagpal @ Pankaj Nagpal) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

24.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No