

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

CRL. MISC.No.M-742 OF 2018 (O&M)
DATE OF DECISION : 22th JANUARY, 2018

Pankaj Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Vivek Saini, Deputy Advocate General, Haryana.

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A. B. CHAUDHARI, J. (Oral)

The petitioner has filed fourth petition under Section 439 Cr.P.C. seeking regular bail in FIR No.710 dated 19.11.2015 registered under Sections 21(B), 27(A)-61-85 of Narcotics Drugs & Psychotropic Substances Act and Section 18(A) & 18(C) of Drugs and Cosmetics Act at Police Station City Fatehabad, District Fatehabad.

Heard learned counsel for the rival parties.

This Court had ordered release of the petitioner on regular bail vide order dated 10.11.2017 passed in CRM-M-38285-2017 by imposing following condition along with other conditions:

“(iv) The petitioner shall report to the police station concerned on every Monday, Wednesday and Sunday from 11.00am to 4.00pm in addition to appearing before the trial Court on the dates fixed there. The police shall keep surveillance on the petitioner.”

The petitioner, however, did not appear before the police station in terms of the aforesaid order on 29.11.2017, 03.12.2017, 04.12.2017 and 06.12.2017 and as such the report was made by the concerned police station with the trial Court. Therefore, the trial Court passed the order canceling the bail in view of the admitted position of failing in complying with the above condition. Accordingly, the petitioner was taken in custody on 02.01.2018.

The petitioner has given a reason that on those dates he was under treatment in the hospital of Dr. S. C. Manchanda at Sirsa. Learned counsel has placed on record certificate (Annexure P- 3) in support of his submission. Obviously, the bare reading of certificate (Annexure P-3) shows that there is no detail about the illness for which the petitioner was suffering but it is mentioned that he was advised rest for ten days i.e. from 28.11.2017 to 07.12.2017.

It is rightly contended by learned State counsel that it is not possible to believe the said certificate.

Be that as it may. In my opinion since the petitioner did attend the police station before that period of absence, there is no need to continue his detention in jail and one more chance is required to be given to him to be at liberty.

In that view of the matter, I am inclined to grant bail to the petitioner by way of last chance. Hence, I make the following order:

ORDER

- (i) CRL. MISC.No.M-742 OF 2018 is allowed, by way of last chance.

- (ii) Bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The condition No.(iv) is further modified. Now, the petitioner shall report to the police station concerned on every Sunday from 11.00am to 4.00pm in addition to appearing before the trial Court on the dates fixed there.
- (iv) The petitioner shall not violate any conditions imposed in earlier bail order.
- (v) In case of violation of the above condition as well as conditions imposed in earlier bail order, on the part of the petitioner, the liberty is reserved in favour of the State to apply for cancellation of bail.

22TH DECEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>