

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

207

CRM-M-628-2020

Date of decision : 26.02.2020

Mukesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bhavdeep Singh Mamli, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No.0165 dated 24.06.2019 registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Ratia, District Fatehabad.

As per the prosecution version, on 24.06.2019 when A.S.I. Mahavir Singh along with other police officials was present for preventing crime on Canal Bridge on Ratia to Bhuna Road in a government vehicle, one motorcycle came from the side of Bhuna and after seeing the police party, the motorcyclist-Pawan Kumar @ Ponni tried to turn back but the motorcycle fell down by the side of the road in the kacha. The police apprehended the motorcyclist and on search 8 grams of heroin was recovered from him. During investigation, co-accused-Pawan Kumar @ Ponni implicated the petitioner in his disclosure statement. The petitioner and his co-accused were charge-sheeted by the police. The petitioner having absented during trial has filed present petition for grant of anticipatory bail.

While issuing notice of motion on 10.01.2020 by this Court, the petitioner was granted interim anticipatory bail with direction to appear before the trial Court within seven days.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner was continuously appearing in the case before the trial Court but due to noting down of wrong date as 07.12.2019 instead of 07.11.2019, he could not appear on 07.11.2019 before the trial Court and learned Special Judge, Fatehabad cancelled his bail order and ordered issuance of warrant of arrest against him for 09.01.2020. In compliance with order dated 10.01.2020 passed by this Court, the petitioner had appeared before the trial Court and was released on interim anticipatory bail. Trial is likely to take long time. No useful purpose will be served by his detention in custody. Therefore, the petition may be allowed.

Learned State Counsel has opposed the bail application but acknowledged that the petitioner has complied with order dated 10.01.2020 passed by this Court.

In view of the facts and circumstances of the case and also the fact that trial is likely to take long time but without expressing any opinion on the merits of the case, the petition is allowed and order dated 10.01.2020 granting interim bail to the petitioner is made absolute. The anticipatory bail order and bail bonds furnished in compliance with order dated 10.01.2020 shall enure till conclusion of trial.

26.02.2020
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(ARUN KUMAR TYAGI)
JUDGE

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