

Sr.No.103

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

CRM-M-2811-2020

Date of decision:24.01.2020

Harish Kumar

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr.Piyush Sharma, Advocate
for the petitioner.

Jasgurpreet Singh Puri, J.(Oral)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.45 dated 27.03.2016 under Sections 21, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 14 of Foreigners Amendment Act, 2004 registered at Police Station Sadar, District Fazilka.

Learned counsel for the petitioner has submitted that the present FIR was lodged against him under Sections 21, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 14 of Foreigners Amendment Act, 2004 in which the petitioner had filed petition under Section 439 Cr.P.C for grant of regular bail and vide Annexure P-1 this Court on 26.08.2016 had granted bail to the petitioner to the satisfaction of the Trial Court/Duty Magistrate. Thereafter, learned counsel for the petitioner has submitted that he had been appearing before the learned Trial Court regularly but on 12.09.2019 he was absent from the Court and therefore, non-bailable warrants of arrest had been issued against him vide Annexure P-2. Thereafter, petitioner filed anticipatory bail before the

learned Additional Sessions Judge, Fazilka which has been dismissed on 25.11.2019.

I have heard learned counsel for the petitioner. Vide Annexure P-2 petitioner was absent from the Court and therefore, non-bailable warrants of arrest was issued against him, on 20.09.2019. Petitioner was already on bail which was granted to him on 26.08.2016 by this Court vide Annexure P-1 but still he did not present himself before the Court.

The argument of learned counsel for the petitioner that he could not present himself before the Court on that day due to serious illness does not justify his absence, as the order Annexure P-2 itself records that the petitioner was present in the premises of the court since morning but he did not appear when the present case before the learned Trial Court had called up and that he had conspicuously gone absent and failed to appear before the court. Even otherwise also, vide Annexure P-2 order was passed on 12.09.2019 thereafter, according to learned counsel for the petitioner, seven dates have passed by and it is almost 04 months that he is on the run and he has not appeared, even on subsequent dates. In the present case, there is allegation of recovery of heroin which was recovered from a polythene bag and a case under NDPS Act as well as under the Foreigners Amendment Act, 2004 was registered against him. Therefore, the matter being serious in nature, conduct of the accused is not acceptable. Instead of surrendering before the court he has filed the present petition for anticipatory bail which is devoid of any merit.

In view of the above stated facts and circumstances, this Court is not inclined to interfere in the present petition and therefore, it is hereby dismissed.

24th January, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*