

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

CRM-M No.39544 of 2019 (O&M)

Date of Decision:08.01.2020

Tarsem Alias Semi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Pardeep Kumar, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana
for the State.

...

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed seeking bail in FIR No.406 dated 15.07.2016, under Sections 147/149/186/224/225/332/353 IPC and under Section 15/27-A of the NDPS Act, registered at Police Station Ratia, District Fatehabad.

Learned counsel for the petitioner has submitted that the petitioner was granted bail by this Court on 01.09.2017 vide Annexure P-4 and consequently, he appeared before the learned trial Court and had been appearing before the trial Court regularly. However, the petitioner could not appear before the trial Court on 22.04.2019 due to noting of wrong date by his counsel. It was because of this reason that the petitioner could not

appear and non-bailable warrants were issued against him vide order dated 22.04.2019. Thereafter, the petitioner was arrested by the police and he had filed bail application before the learned Additional Sessions Judge, Fatehabad, which was dismissed on 29.08.2019. Learned counsel for the petitioner submits that the petitioner's mistake was bonafide mistake and he is entitled to the concession of bail.

On the other hand, learned State counsel, on instructions from Mr. Dalbir Singh, ASI, has submitted that the petitioner has concealed material facts from the Court and he has not stated true facts before the Court. He further submits that in fact, the petitioner had absented himself from the Court proceedings not on one date, but on three dates i.e. 22.04.2019, 21.05.2019 and 11.07.2019 and, therefore, it cannot be said that due to wrong noting of the date by his counsel, the petitioner could not appear before the trial Court. It is further submitted that not only this, the petitioner had rather misused the concession of bail to the extent that on 20.04.2019, FIR No.143 under Section 15/61/85 of the NDPS Act was registered against him at Police Station Sadar Ratia and after two days i.e. 22.04.2019, the next date was fixed before the trial Court in which he absented himself and thereafter again, he did not appear before the trial Court on two dates. Learned State counsel has further submitted that when the present FIR was lodged on 15.07.2016 and the police had raided his house, the petitioner had given beatings to the police officials. He has submitted that the concession of bail may not be extended to the petitioner in view of the fact that the petitioner has not only misused the concession of bail, but also, participated in crime during the pendency of the present trial.

I have heard learned counsel for the parties and perused the record.

A perusal of the order dated 29.08.2019 passed by learned Additional Sessions Judge, Fatehabad, would reveal that the petitioner, who had absented himself on 22.04.2019, is also facing trial in another case bearing FIR No.374 dated 24.06.2015 under the NDPS Act and that on 20.04.2019, when he was already on bail in the present FIR, he allegedly participated in the crime and FIR No.143 dated 20.04.2019 under the NDPS Act was registered against him.

The petitioner did not present himself before the trial Court on three consecutive dates and, therefore, it cannot be said that it is a case of wrong noting of the date, especially, in view of the fact that two days before the date fixed before the trial Court, another FIR No.143 dated 20.04.2019 under the NDPS Act was registered against him.

Learned counsel for the petitioner has submitted that in FIR No.374 dated 24.06.2015 under the NDPS Act, the petitioner has been acquitted, will not make any difference and to grant him the concession of bail in view of the fact while he was on bail in the present case, another FIR No.143 dated 20.04.2019 under the NDPS Act has been registered against him.

Once bail has been granted to an accused, it is the duty of the accused to abide by the conditions imposed for the bail. Therefore, considering the totality of the facts and circumstances of the present case, this Court is of the considered view that this is not a fit case for the grant of concession of bail to the petitioner.

In view of the above, the present petition is hereby dismissed.

However, this is not to be treated as expression of any opinion
or observations regarding the merits of the case.

08.01.2020
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No