

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

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**CRM-M-41133-2021
Date of Decision: 01.10.2021**

Ajay Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Arun Sharma, Advocate for petitioner.

Lalit Batra, J.(Oral)

This petition under Section 438 Cr.P.C. has been moved by petitioner-**Ajay Kumar** for grant of pre-arrest bail in case FIR No.191 dated 02.05.2017 under Section 15 of NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner *inter alia* contends that in the instant FIR, petitioner was arrested on 02.05.2017 and allegedly contraband (500 grams Poppy Straw) was recovered from the petitioner and thereafter he (petitioner) was admitted to bail. He further urges that though petitioner used to appear before the Trial Court on each date of hearing, but on 10.12.2019, he could not appear before that Court and as such appearance of petitioner is being secured through warrants of arrest and next date of hearing before Trial Court is 12.11.2021. He further urges that on account of intervening COVID-19, petitioner could not appear before Trial Court and as such his absence from the Court was unintentional. He further urges that petitioner is ready to surrender before the Trial Court and he wants to join the proceedings of the case, thus, appropriate relief may be granted to him.

Notice of motion.

At the asking of Court, Mr. Bhupinder Singh, Deputy Advocate General, Haryana, accepts notice on behalf of respondent-State. Complete

copy of paper book has been supplied to him in Court.

Learned State counsel submits that as per instructions from quarter concerned, petitioner has not been declared proclaimed offender in the instant case FIR.

A bare perusal of record of the case reveals that though petitioner used to appear before the Trial Court on each date of hearing but on account of his single default and that too on account of bonafide shown at his instance, he cannot be made to suffer.

In view of above, instant petition for grant of pre-arrest bail to the petitioner is disposed of in the manner that petitioner-accused is directed to surrender before the Trial Court/ Duty Sessions Judge, Fatehabad, as the case may be, within ten days positively from today and on surrender, he shall be enlarged on bail on his furnishing personal/surety bonds to the satisfaction of Court concerned. Meanwhile, no coercive steps shall be initiated against the petitioner pursuant to warrant of arrest already issued against him.

(LALIT BATRA)
JUDGE

01.10.2021

Varinder Prashad

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No