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

CRM-M No. 45959 of 2021
Date of Decision: 15.11.2021

Ravi

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kuldeep Singh Siwach, Advocate,
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.652 dated 05.11.2016 under Sections 15/20/27 (A) of NDPS Act registered at Police Station Ratia, District Fatehabad.

Vide order dated 08.03.2017 passed in CRM-M No.48 of 2017, interim anticipatory bail granted to the petitioner on 04.01.2017 was made absolute. Thereafter, the petitioner kept on appearing before the trial Court. The case was adjourned on eight occasions for leading defence evidence.

According to learned counsel for the petitioner, the adjournments towards leading defence evidence were at the

instance of co-accused. Due to wrong recording of date, the petitioner could not appear on 18.10.2021. His bail was cancelled and bail bonds were forfeited to the State. Notice was also issued to the surety under Section 446 Cr.P.C.

As per the allegations, the alleged recovery of 07 kgs of poppy straw and 100 grams of Ganja was effected from the co-accused.

Learned State counsel, however, opposed the bail on the ground that with the grant of anticipatory bail, petitioner was in constructive custody of the Court and in the event of his non-appearance on 18.10.2021, the present anticipatory bail petition is not maintainable.

Learned counsel for the petitioner relies upon order dated 13.01.2020 passed in CRM-M No.928 of 2020 titled 'Kamaljit Singh @ Sonu vs State of Punjab' to contend that the omission being the solitary instance of his absence on account of wrong recording of date can be excused.

Taking into consideration the totality of facts and circumstances of the case, I deem it appropriate to direct the petitioner to appear before the trial Court on the date fixed i.e. 29.11.2021. In the event of his appearance, he shall be admitted to regular bail, subject to his executing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

Disposed of.

Non-appearance of the petitioner on the date fixed
would entail in rejection of this petition.

15.11.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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