

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

CRM-M-46601 of 2021

Date of decision: 08.11.2021

Deepak Kumar alias Pardeep Kumar alias Pipa

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikas Gupta, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 39 dated 14.4.2015 under Sections 21/29 of Narcotic Drugs & Psychotropic Substances Act, 1985 registered at Police Station Valtaha, District Tarn Taran.

From the petitioner 500 grams of heroin was recovered. The petitioner was granted bail vide order dated 12.10.2015 by the trial court. After granting of bail, the petitioner was appearing regularly, however, he absented himself on 20.8.2021. The bail was cancelled and the surety was forfeited.

Learned counsel for the petitioner submits that due to COVID-19 situation, the case was being adjourned in routine, the petitioner missed the date. However, to establish his bonafide, Rs.20,000/- will be deposited before the trial court, subject to outcome of the trial.

Learned State counsel opposes the grant of anticipatory bail and submits that the petitioner intentionally absented himself to delay the trial. The trial is at the stage of defence evidence.

The petitioner is granted anticipatory bail subject to appearing before the trial court on 29.11.2021 i.e. the date already fixed and on

deposit of Rs.20,000/-.

The amount deposited shall be subject to outcome of trial. During the trial the amount be kept in fixed deposit with nationalized bank. In case of the petitioner's failure to appear as and when called, the same shall be forfeited.

It is clarified that in case the petitioner fails to appear before the Court on 29.11.2021 or to deposit the amount, the State shall be at liberty to file an application for re-calling of the order.

[AVNEESH JHINGAN]
JUDGE

8th November, 2021
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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |