

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

102

CRM-M-189-2022

Date of Decision : 05.01.2022

Sanjeev @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.234 dated 27.09.2019 registered under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, NDPS, Act) at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner was already granted the benefit of regular bail by the trial Court and while the petitioner was on bail, another FIR being FIR No.67 dated 25.04.2021 under Sections 22 (C) and 27A of the NDPS, Act was registered against him, wherein, the petitioner was arrested and he was only granted bail on 18.11.2021 and, thereafter, due to some miscommunication with regard to the date of hearing in the present case, the petitioner could not appear before

the trial Court on 14.12.2021, on which date, the bail of the petitioner was cancelled and bail bonds were forfeited and a notice has been issued to the surety concerned. Learned counsel for the petitioner submits that absence of the petitioner on the said date was not intentional but, due to the said fact, and therefore, as the petitioner is ready to join the proceedings before the trial Court and henceforth he will remain more vigilant and will attend all the proceedings before the trial Court without fail unless and until the petitioner is granted a prior exemption by the competent Court of law, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State of Haryana.

Learned counsel for the respondent-State submits that the petitioner is a habitual offender as he is facing other FIRs also and as the petitioner has violated the conditions of bail, the order passed by the trial Court is within jurisdiction and no interference is called for by this Court.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

No doubt, once the petitioner was granted the benefit of bail with the clear intent that the petitioner will fully cooperate with the trial Court without seeking any unnecessary adjournment, it was the duty of the petitioner to attend all the proceedings without fail and in case of any difficulty, he should have prayed for the grant of exemption by filing appropriate application.

By giving a benefit of doubt that absence of the petitioner on 14.12.2021 was due to some miscommunication coupled with the fact that the petitioner has undertaken before this Court that henceforth, he will attend all the proceedings before the trial Court unless and until an exemption is granted by the competent Court of law, no useful purpose will be achieved in sending the petitioner behind the bars. In case, the petitioner surrenders before the trial Court within a period of seven days, he be extended the benefit of anticipatory bail subject to the satisfaction of the trial Court/Illaqa Magistrate.

The present petition is allowed in above terms.

January 05, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No