

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

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CRM-M-17997-2022 (O&M)
Date of Decision: 16.05.2022

Sunil Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Kanika Ahuja, Advocate for the petitioner.

Mr. R. K. Singla, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.504 dated 08.10.2018, under Sections 18, 29, 61 and 85 of NDPS Act registered at Police Station Sadar Thanesar District Kurukshetra.

As per the allegations, the petitioner was found in possession of 400 gram opium. The recovery was non-commercial. He was granted bail by the learned Sessions Judge, Kurukshetra vide order dated 22.11.2018. Thereafter, he was regularly appearing before the learned trial Court. However, due to absence of the petitioner on one date i.e 01.06.2019, bail bonds and surety bonds of the petitioner were cancelled and his presence was ordered to be secured through non-bailable warrants.

It is the case of the petitioner that his non appearance before the learned trial court was not intentional. In fact the petitioner was arrested in case FIR No. 58 of 2009 under Sections 380, 454 and 411 IPC

registered at Police Station Clementown, District Dehradun. He was granted regular bail in that case by the High Court of Uttarakhand vide order dated 13.11.2019. Thereafter, the petitioner was taken on production warrant in another case FIR CR.No. 1-65 of 2019 registered at Police Station Chand khara, Gujrat under Sections 114, 397, 380 and 459 IPC. He was detained in the said case and was released on bail vide order dated 21.10.2020.

On 16.12.2021, the counsel of the petitioner was informed that petitioner was confined in District jail, Nimka, Faridabad in case FIR No. 304 dated 22.08.2021 under Sections 380/ 454 IPC at Police Station Hodal, Palwal. His counsel moved an application for issuance of production warrant of the petitioner in the present case. He was produced before the Court on 21.01.2022 through video conferencing. Since then he is in custody in the present case.

Learned counsel for the petitioner states that his non-appearance was not intentional. In fact, he was implicated in some other case and only because of the same, he could not cause his appearance before the Court. He is now in custody since 21.01.2022. He undertakes that the petitioner shall appear before the trial Court on each and every date.

Taking into account the facts of the present case, this petition is allowed. The petitioner is directed to be enlarged on bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the concerned Court

to continue appearing as and when required apart from following all the terms and conditions fixed in this respect.

May 16, 2022
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[HARINDER SINGH SIDHU]
JUDGE

Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no