

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRM-M- 50240 of 2021 (O&M)
Date of Decision: 28.1.2022**

Rajesh Kumar @ Ramesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Kuldeep Tewari, Addl A.G. Haryana.

JAISHREE THAKUR, J.

1. The petitioner has approached this Court for grant of anticipatory bail under Section 438 of the Code of Criminal Procedure in FIR No 24 Dated 14.1.2019 under Sections 21(a), 27A of the Narcotic Drugs and Psychotropic Substances Act 1985 registered at Police Station Sadar Fatehabad, District Fatehabad.

2. Learned counsel appearing on behalf of the petitioner contended that the petitioner was nominated as an accused under the disclosure statement given by one co-accused Gurpal Singh, who was apprehended with possession of 3 gram of heroin. The petitioner was released on regular bail by the trial court vide order dated 11.2.2019 and after that the petitioner continued to put in an appearance as and when called. However, the petitioner could not appear on 24.09.2021 due to

which his bail bonds were cancelled. It is submitted that the petitioner was suffering from high fever and therefore could not put in an appearance on the day the matter was listed. When the petitioner checked with the clerk of his counsel as to the next date, he was informed that the matter was listed for 30.11.2021. The petitioner came to know that his bail bonds had been cancelled by the trial court when the police raided his house on 27.11.2021. It is submitted that the petitioner had only committed one default in appearance before the trial court and that too on account of ill-health. Learned counsel for the petitioner submitted that the petitioner is ready to appear before the trial court on each and every date of hearing.

3. Keeping in view that the petitioner had been appearing regularly before the trial, this Court by order dated 1.12.2021, directed the petitioner to surrender before the trial court on 03.12.2021 and move an application for grant of regular bail. It was further directed that in case the petitioner surrenders, he would be released on interim bail subject to his furnishing fresh bail bonds and surety bonds to the satisfaction of the trial court. However, since the petitioner could not surrender before the trial court on 3.12.2021, he moved an application (being Criminal Misc. No. 41997 of 2021) seeking one more opportunity to allow him to present himself before the trial court within one week, which was allowed by order dated 9.12.2021. Thereafter, the present petition came up for hearing on 24.01.2022 and no one put in appearance on behalf of the petitioner, however this court was informed that the petitioner herein had not surrendered before the trial court despite adequate opportunities having been

granted. The matter has been taken up today and once again the State counsel, on instructions from ASI Virinder, informs that the petitioner has not surrendered as directed.

4. Keeping in view the fact that the petitioner has been given two opportunities to surrender before the trial court and he failed to do so, this court finds no ground to interfere in the matter and allow anticipatory bail

5. Consequently this petition stands dismissed.

28.1.2022

prem

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned : Yes

Whether Reportable : No