

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

CRM M-52029 of 2021 (O&M)

Date of Decision: January 27, 2022

Ashish

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. V.B. Godara, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Haryana.

FATEH DEEP SINGH, J. (Oral)

Accused petitioner Ashish who is facing trial before the Court of Special Judge under N.D.P.S. Act, Fatehabad has come in this second petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 51 dated 24.02.2020 under Section 21(b) of N.D.P.S. Act, 1985, Police Station City Ratia, District Fatehabad on the grounds that petitioner was allowed regular bail by this Court vide order dated 15.07.2020, however,

during the course of proceedings before the trial Court, he absented himself on 30.11.2021 and as a consequence of which, his bail was cancelled and bail bonds and surety bonds were ordered to be forfeited to the State and warrants of arrest were issued.

Heard Mr. V.B. Godara, Advocate for the petitioner and Mr. Gaurav Jindal, Addl. A.G. Haryana.

It is the stand of the counsel for the petitioner Mr. V.B. Godara that the petitioner was on regular bail and absented only on one occasion and undertakes that the petitioner shall not commit any default, however, learned State counsel Mr. Gaurav Jindal has sought to strongly oppose the prayer on the grounds that the petitioner had remained away from the Court without assigning any reasons.

Be so as it may, the petitioner has been regularly appearing before the Court and it was only on one occasion he has absented and thereafter has moved this Court is reflective that the petitioner is not trying to abscond.

Sending the petitioner being the bars at this juncture would further complicate the matter on account of rampant spread of Omicron Covid 19 and which may further hamper the trial in case the petitioner is not produced before the Court by the jail authorities, so it would be in the fitness of things if the petitioner is allowed bail subject to furnishing of undertaking by the petitioner that he will not absent himself from the Court again and subject to furnishing of bail bonds in the sum of Rs.1,00,000/- with two sureties in the like amount to the satisfaction of trial Court/Duty Magistrate/the Chief Judicial Magistrate concerned.

Disposed off.

January 27, 2022
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No