

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47583-2023

Decided on:-05.10.2023

Naimuddin

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Shivendra Swaroop, DAG, Haryana,
for the respondent-State.

HARKESH MANUJA J. (Oral)

1. By way of present second petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail in case FIR No.349 dated 20.06.2022, under Sections 22-C and 29 of NDPS Act, 1985, registered at Police Station City Sohna, Gurugram.

2. As per the allegations levelled against the petitioner, one Manish Kumar was apprehended carrying 15 injections of 'buprenorphine' containing 2 ml each, who on disclosure named Mohit Chaudhary, who in turn named the present petitioner in his disclosure.

3. Learned counsel for the petitioner submits that earlier the petitioner was granted the concession of regular bail by this Court on 10.03.2023 and thereafter, the petitioner continued appearing before the Trial Court on each and every date of hearing, but for 24.07.2023, when he got late by few minutes, resulting into, cancellation of his bail order as well

as bonds/surety bonds. He further submits that the non-appearance of the petitioner before the Trial Court was not intentional but occurred on account of bonafide reasons.

Learned counsel further submits that the petitioner undertakes to appear before the Trial Court on each and every date of hearing, unless granted exemption specifically.

4. On the other hand, learned State counsel submits that the conduct of the petitioner has not been fair as despite having been granted the concession of regular bail, he has missed the hearing deliberately so as to delay the trial.

5. I have heard learned counsel for the parties and gone through the paper book.

6. As a matter of fact, earlier the petitioner was granted the concession of regular bail by this Court vide order dated 10.03.2023 and has been regularly appearing before the Trial Court, but for 24.07.2023, when he got late by few minutes, his bail order as well as bonds/surety bonds were cancelled.

7. Based on the submissions made by learned counsel for the petitioner, the non-appearance of the petitioner appears to be for bonafide reasons, besides it, the petitioner submitted himself before the Trial Court on 29.08.2023 and is behind the bars for the last more than one month.

8. In view of the facts and circumstances narrated above, I do not find any reason to extend the incarceration of the petitioner.

9. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing fresh bail bonds and surety

bonds to the satisfaction of the concerned Trial Court/Duty Magistrate, subject to the conditions that he would appear before the Trial Court on each and every date of hearing unless his personal appearance is specifically exempted by the Court.

05.10.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No