

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

219**CRM-M-48778-2023 (O&M)****Date of Decision: 03.10.2023**

Niyamat @ Yamat Ali

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rohit Choudhary, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.122 dated 01.06.2017, under Section 20 (Act No.61) of the NDPS Act, 1985, registered at Police Station Pinangwan, District Nuh (Mewat).

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 19.07.2023 and it is a case where the petitioner was earlier granted anticipatory bail but he could not appear before the learned trial Court as he was not communicated properly by his counsel and accordingly his bail was cancelled and non-bailable warrants were issued against him on the same day. He submitted that the petitioner was nominated in the present case on the basis of disclosure statement of a co-accused and no recovery was effected from the petitioner.

3. On the other hand, Mr. Vishal Kashyap, DAG Haryana submitted that the petitioner does not deserve the concession of regular bail in view of his own act and conduct. He submitted that earlier the concession

of interim bail was granted to the petitioner by the learned Additional Sessions Judge, Nuh vide order dated 29.09.2018 and thereafter, the same has already been made absolute. However, during the time of trial on 25.07.2022, the petitioner failed to appear before the learned trial Court and his bail was cancelled and non-bailable warrants were issued against him. He submitted that during the period of bail in the present case, the petitioner got involved in another case FIR No.46 dated 09.02.2022 under Section 20(b)(ii)C, (Act No. 61) of the NDPS Act, 1985 registered at Police Station Punhana District Nuh wherein 113.170 kilograms of poppy husk was confiscated, thereafter, the petitioner was granted anticipatory bail in that case. He submits that the petitioner also got involved himself in another case FIR No.125 dated 12.05.2022 under Section 20, (Act No.61) of the NDPS Act, 1985 registered at Police Station Pinangwan, District Nuh, wherein 38.860 kilograms of poppy husk was confiscated and the petitioner has also been granted anticipatory bail in the said case. In this way, the petitioner has involved himself in two more cases of similar nature, while facing the trial in the present case. He submitted that after absconding from the Court for about 01 year, the petitioner surrendered on 19.07.2023 and there is no justification with regard to the same. He submitted that in view of above fact and circumstances, the petitioner does not deserve the concession of regular bail and there is a reasonable apprehension that in case the petitioner is released on bail, he may abscond from the Court and may involve himself in other cases since he had done it earlier. He also opposed the grant of bail on the ground that the recovery of 625 kilograms of Ganja was effected from the co-accused in the present case, which is not only a commercial but also a

huge quantity.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner is in custody only from 19.07.2023 and the explanation given by the learned counsel for the petitioner is not acceptable. The petitioner remained absent from the Court for about 01 year and during the time when he was on bail in the present case two more cases were registered against him under the NDPS Act in which he was granted anticipatory bail and, therefore, it cannot be said that the petitioner was not aware about the progress of the present case. The petitioner has jumped the bail and remained absent from the Court about 01 year and there is no explanation regarding the same. The apprehension which has been expressed by the learned State counsel that in case the bail is granted to the petitioner, then he may not only abscond but he may also involve himself in other cases carries weight and cannot be ignored.

6. In view of the aforesaid facts and circumstances this Court does not deem it fit and proper to grant the concession of regular bail to the petitioner. Consequently, finding no merit in the present petition, the same is dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

03.10.2023
Mangal Singh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No