

2023:PHHC:144711

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

228

**CRM-M-50904-2023**

**Date of decision : 15.11.2023**

**Kamal Hussain**

**..... Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Dharamvir Sharma, Advocate  
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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**PANKAJ JAIN, J. (Oral)**

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.274 dated 26.02.2017, registered for the offences punishable under Sections 21/61/85 of NDPS Act, at Police Station Sadar, Gurugram.

2. The petitioner was allegedly found to be in possession of 10 gms of smack and was arrested on 26.02.2017. He was admitted to regular bail vide order dated 18.03.2017 passed by Additional Sessions Judge, Gurugram. However, he absented himself on 22.03.2021 and was declared 'proclaimed offender' on 09.11.2022. He was surrendered back on 21.07.2023 and since then, he is in custody.

3. Counsel for the petitioner submits that the petitioner having been admitted to bail and released on 20.03.2017 had no reason to evade the trial. However, the absence during the course of trial was owing to miscommunication between the petitioner and his counsel

2023:PHHC:144711

and it is a case wherein the petitioner himself surrendered and was not arrested. He submits that the petitioner is behind bars for last about 04 months and has learned hard way.

4. Without commenting on the merits of the case, keeping in view the fact that the petitioner was released on bail in 2017 and continue to appear regularly before the trial Court for 04 months, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

5. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall

2023:PHHC:144711

be at liberty to move cancellation of bail of the petitioner.

6. Ordered accordingly.

(PANKAJ JAIN)  
JUDGE

15.11.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No