

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

CRM-M-62915-2023 (O&M)

Date of Decision:15.12.2023

Mohit Chaudhary

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Satyawar Singh Nain, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C with a prayer to quash the impugned order dated 24.07.2023 passed by the Court of Additional Sessions Judge, Gurugram in case No.NDPS-04-2023 (Annexure P-1), whereby the non-bailable warrants have been issued against the petitioner on account of his non-appearance on 24.07.2023.

2. Learned counsel for the petitioner submits that the petitioner was falsely involved in a case FIR No.349 dated 20.06.2022 under Sections 22-C,29 of NDPS Act, registered at Police Station City Sohna, Gurugram. After the registration of the case, the petitioner was granted the concession of bail vide order dated 23.11.2022 and thereafter, the petitioner appeared before the Trial Court on 18.01.2023, 01.02.2023,01.03.2023,06.04.2023 and 10.05.2023. However, on 20.07.2023, the petitioner met with an accident near Madhuban Chowk, Karnal and suffered a fracture in his right leg. He also relies upon the medical report dated 01.12.2023 (Annexure P-4) in this regard. Learned counsel further submits that due to the said medical problem, the petitioner could not

attend the proceedings before the Trial Court on 24.07.2023 and his bail was ordered to be cancelled. He further submits that the similarly placed co-accused Nimmudin has already been admitted to concession of bail vide the order dated 05.10.2023, passed by this Court in CRM-M-47583-2023 (Annexure P-5). Learned counsel further submits that he is ready to surrender before the Trial Court and to join the trial Court proceedings. He further contends that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent himself during the Court proceedings.

3. Notice of motion.

4. Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and does not deserve the concession of bail and the petition is liable to be dismissed by this Court.

6. I have heard the learned counsel for the parties and perused the record.

7. It is apparent that the petitioner met with an accident on 20.07.2023 and had suffered a fracture in his right leg. Due to the said injury, he could not appear before the Trial Court on 24.07.2023. Apart from that, vide the order dated 05.10.2023, passed by this Court in CRM-M-47583-2023 (Annexure P-5) similarly placed co-accused Nimmudin has already been admitted to concession of bail. Consequently, taking a lenient view of the matter, the petitioner is permitted to surrender before the Trial Court/Duty

Magistrate within a period of one week from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

8. At the time of furnishing of bail bonds the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not remain absent himself during the court proceedings, except with prior permission of the Court.

9. The petition stands allowed in abovesaid terms.

10. Pending application(s) if any, also disposed off, accordingly.

15.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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