

CRM-M-5980-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(220)

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Date of Decision:- 09.02.2024

Shankar Lal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sahil Gupta, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition is for grant of regular bail to the petitioner in case FIR No.564 dated 09.08.2021, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Narnaul, District Mohendergarh, Haryana (Annexure P-1).
2. Without adverting to the merits of the case, learned counsel for the petitioner has submitted that the petitioner was granted the concession of regular bail by the trial Court on 16.11.2021 and had been appearing all throughout the trial, however, on 05.12.2023, he missed the date before the trial Court on account of noting the same wrongly and to demonstrate his bona fide, he surrendered before the trial Court on the very next date of hearing i.e. 02.01.2024.
3. Notice of motion.
4. Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of

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respondent-State and opposed the grant of any concession to the petitioner on the ground that the petitioner has not placed on record any document corroborating the reason for his absence.

5. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record, according to which the petitioner is in custody for the last 04 months and 15 days.

6. The Hon'ble Supreme Court in the case of "**Krishna Sharma vs. The State of West Bengal and another**" SLP (Crl.) No.12829 of 2023, held, the relevant extract of which reads as under:-

"However, we find that merely because the appellant did not appear personally could not have been a ground for cancellation of bail. The parameters for grant of bail and cancellation of bail are totally different. The bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence."

7. In view of the above and without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will

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be available in his absence.

- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

February 09, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No