

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M No.20048 of 2024
Date of Decision: 29.04.2024

PARVEEN ALIAS KALAPetitioner

Vs
STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Anoop Kumar Yadav, Advocate
for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.71 dated 16.04.2022 registered under Section 20 of NDPS Act, 1985 at Police Station Jhojhu Kalan, District Charkhi Dadri.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegation of recovery of 01 kg and 362 grams of Ganja.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner absented himself on 21.02.2024 before the Trial Court, resulting into cancellation of his bail just with an idea to delay the proceedings in the trial and accordingly he does not deserve concession of regular bail.
4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, petitioner was initially admitted to bail vide order dated 16.06.2022 and since then he has been regularly appearing before the Trial Court, but for 21.02.2024 when on account of noting down of incorrect date of hearing, he could not appear, resulting into cancellation of his bail and forfeiture of bail/surety bonds to the State. As a matter of fact, petitioner surrendered before the Trial Court on 01.04.2024 and since then, he is behind the bars i.e. for the last 01 month on account of inadvertent error on his part. Non-appearance of the petitioner on 21.02.2024 appears to be unintentional and as such, I do not find any justification to extend the incarceration of the petitioner.

6. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 29, 2024
Atik

(HARKESH MANUJA)
JUDGE

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