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

**CRM-M-23229-2024
Date of Decision: 24.07.2024**

Amit Jangra

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vijay Jangra, Advocate and
Mr. Ankit Verma, Advocate for
Mr. Vishal Singh, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.266 dated 21.07.2021, under Sections 21, 29 & 27-A of the NDPS Act registered at Police Station Model Town, District Panipat.

2. Learned counsel appearing on behalf of the petitioner submitted that the total custody of the petitioner is about 10 months and in fact earlier he was granted bail by the learned trial Court, but due to miscommunication with the counsel, he did not appear before the Court and his bail was cancelled. He further submitted that as per the allegations, the alleged recovery from the petitioner was only 20 grams of *Heroin* which does not fall in the category of commercial quantity and therefore, the petitioner may be considered for grant of regular bail.



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3. On the other hand, Mr. Gaurav Jindal, learned Addl AG., Haryana submitted that earlier the petitioner was on bail granted by the learned trial Court but he misused the concession of bail and his bail was cancelled on 28.01.2022 and thereafter, his warrants of arrest were issued. Thereafter, the petitioner was again released on bail on 07.06.2022 on furnishing of bail bonds in the sum of Rs.60,000/- with one surety. He further submitted that thereafter again, the petitioner remained absent from the Court on 20.12.2022 and after considering the conduct of the petitioner whereby he has been absenting himself from the trial and even the trial Court had cancelled the bail of the petitioner on this ground and there is an apprehension that in case the petitioner is released on bail again then he will again jump the bail. He also submitted that the petitioner is involved in another case i.e. FIR No.469/2012 under Sections 323, 379 & 34 IPC registered at Police Station City Thanesar, District Kurukshetra and therefore, he does not deserve the concession of regular bail.

4. At this stage, learned counsel for the petitioner submitted that in the aforesaid FIR so mentioned by the learned State Counsel, the petitioner has already been acquitted long time ago.

5. I have heard the learned counsels for the parties.

6. The custody of the petitioner has come out to be 10 months. The alleged confiscated quantity from the petitioner is 20 grams of *Heroin* which does not fall in the category of commercial quantity. However, as per the FIR, the petitioner along with the other co-accused was selling the *Heroin* to a number of customers. The petitioner was earlier granted bail by the learned trial Court which was cancelled because he did not appear before the Court and jumped the bail despite assurance given by him to the Court at the time of grant

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of bail and thereafter, warrants of arrest were issued against him. Thereafter, the petitioner was granted bail but again he had absented himself from the Court. Therefore, this Court is of the considered view that the apprehension which has been expressed by the learned State Counsel while considering the conduct of the petitioner that he will again misuse the concession of bail in case he is released on bail, is well-founded and cannot be ignored.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

8. 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 present petition.

24.07.2024*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned	Yes/No
2. Whether reportable:	Yes/No