



CRM-M-25780-2024

1

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

(205)

CRM-M-25780-2024

Date of Decision : May 27, 2024

Sahid @ Sahil

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mazlish Khan, Advocate, for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.298 dated 04.07.2021 registered under Sections 20 (b) (ii), 20 (c), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Mahendergarh, District Mahendergarh, Haryana.

2. Learned counsel for the petitioner submits that the petitioner was granted the concession of regular bail by this Court while passing order in CRM-M-28831 of 2022 on 10.01.2023 (Annexure P-2) but the petitioner missed the hearing before the trial Court due to illness, for which his bail bonds were cancelled by the trial Court. Learned counsel for the petitioner further submits that the petitioner surrendered back before the trial Court on



29.09.2023 since which date, he is behind the bars. Learned counsel for the petitioner further submits that the absence on a particular date of hearing before the trial Court, was not intentional but was bona fide due to the illness. Learned counsel for the petitioner further submits that the petitioner has already undergone more than the custody of seven months after surrender and he also undertakes to attend all the hearings so as to conclude the trial expeditiously and in case, he is not able to attend any hearing before the trial Court, he will seek exemption.

3. Notice of motion.

4. Ms. Vibha Tewari, learned Assistant Advocate General, Haryana, accepts notice on behalf of respondent-State.

5. Learned State counsel is not able to rebut the fact that the petitioner had already been granted concession of regular bail by this Court and even after surrender, the petitioner has already undergone custody of seven months.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. By giving the benefit of doubt that the petitioner did not attend the hearing before the trial Court keeping in view his illness coupled with the fact that the petitioner has already undergone custody of seven months after surrender, no useful purpose will be achieved in keeping the petitioner behind the bars any further as learned counsel for the petitioner has undertaken before this Court that the petitioner will not miss any hearing before the trial Court henceforth.

**CRM-M-25780-2024****3**

8. In view of the above and without commenting upon the merits of the case, present petition is allowed and accordingly, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned unless and until required to be kept behind the bars in any other case.

9. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 27, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No