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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-31957-2024**

Date of Decision: 04.09.2024

Shishank alias Sushant Kumar @ Shanky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Akashdeep Miglani, Advocate for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

1. The prayer in this petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.54 dated 20.04.2020 under Sections 21/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF, Phase-4, SAS Nagar (Mohali) Punjab.

2. In compliance of the previous order, status report dated 03.09.2024 by way of affidavit of Mr. Ajay Kumar, PPS, Deputy Superintendent of Police, Special Task Force, Ludhiana Range (Ludhiana) has been filed on behalf of the respondent-State, which is taken on record. Copy has been supplied to the counsel for the petitioner.

3. Learned counsel for the petitioner submits that the case was registered on the basis of disclosure statement that petitioner was indulging in selling heroin and had appointed Vijay Kumar alias Bholu and Karan Kumar to sell and supply heroin to customers. After recording the statement as per secret information, a raid was conducted. The above mentioned Vijay Kumar alias Bholu and Karan Kumar were apprehended along with 360 gms of heroin. The petitioner was not present on the spot and was nominated while he was in

custody in some other case. Vide order dated 10.12.2021 (Annexure P-2) keeping in view the fact that no recovery was effected from the petitioner, he was granted regular bail by this Court. The petitioner was regularly appearing before the trial Court but on 06.02.2024 he could not appear and his absence was marked and bail was cancelled (Annexure P-3). He further submits that the Reader of the Court had told him the next date 13.03.2024, so he could not appear before the Court on 06.02.2024. His absence from the Court was not intentional.

4. Learned State counsel submits that the petitioner did not intentionally appear in the Court so his bail was rightly cancelled.

5. I have heard the learned counsel for the petitioner, counsel for the State and perused the file.

6. Challan was filed long time back. Charges are yet not framed. No recovery was effected from the petitioner. Petitioner is not involved in any other case under the NDPS Act. He is ready to surrender and face trial. His detention in jail would not serve any purpose.

7. Without commenting upon the merits of the case, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court on 12.09.2024 and he be admitted to bail subject to furnishing of fresh bail bonds/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate in terms of the conditions as envisaged under Section 438 (2) Cr.P.C. Petitioner is burdened with cost of Rs.5000/- which be deposited in the concerned Legal Services Authority. In case of default, this order would automatically stand vacated.

04.09.2024

Parveen kumar

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

(GURBIR SINGH)
JUDGE