



CRM-M-34604-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
218 CRM-M-34604-2024
Date of decision: 10th September, 2024
Ashwani @ Bhannu

...Petitioner
Versus
State of Haryana
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anil Kumar Malik, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The petitioner who has been booked for commission of offence punishable under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') in case arising out of FIR No. 350 dated 17.11.2020 registered at Police Station Israna, District Panipat and is facing trial therein had made prayer for his release on regular bail by submitting that he had been extended benefit of regular bail in this case on 15.12.2022. He had been regularly appearing before the Court. Subsequently, due to outbreak of COVID-19, the trial was not being conducted. On 06.07.2022, his mother on his behalf had moved an application for exempting his presence as he had been staying out of State for earning his livelihood. The said application was dismissed on the same day. His bail was cancelled. Proceedings under Section 82 of Cr.P.C. were initiated against him. He is in custody since 06.04.2024.

2. It is submitted that his absence was not intentional. He is ready



to abide by the conditions imposed by this Court for release on bail and would not absent himself in future. Therefore, it is urged that the petition may be allowed and he be extended benefit of bail.

3. Status report has been filed by the respondent-State, as per which, the petitioner had absented himself w.e.f. 16.08.2021. On 06.07.2022, application moved by his mother for sending his exemption from appearance had been dismissed, being filed on frivolous grounds. His bail was cancelled. He was declared proclaimed person on 09.08.2023 after initiating proceedings under Section 82 of Cr.P.C. He was arrested on 24.08.2024. There are chances of his absconding again, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

4. The petitioner was previously extended benefit of bail in this case. Subsequently, due to his absence, his bail was cancelled. He was declared a proclaimed person vide order dated 09.08.2023. After his arrest in this case, he is in custody since 22.04.2024. The trial is likely to take time. Keeping in view the above discussed facts and circumstances, the petition is allowed and the petitioner is ordered to be admitted on bail subject to his furnish personal bonds with surety bonds to the extent of two sureties to the satisfaction of learned trial Court.

5. A copy of this order be sent to the trial Court.

[MANISHA BATRA]
JUDGE

10th September, 2024

Parveen Sharma

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