



CRM-M-33792-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33792-2024
Date of decision: 31.08.2024

Mohd RaufPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Anil K. Sagar, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.
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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C,
the petitioner seek anticipatory bail in case FIR (Annexure P-2) as
under: -

FIR No.	Dated	Sections	Police Station
194	25.09.2019	18, 25 of the NDPS Act	City Jagraon, District Ludhiana

2. Learned counsel for the petitioner submits that in
compliance to the orders dated 25.07.2024 and 13.08.2024, the
petitioner has appeared before the learned Trial Court on 16.08.2024
and has also deposited the cost with the District Legal Services
Authority, Ludhiana. He has also placed on record copy of the order

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dated 16.08.2024 passed by learned Additional Sessions Judge, Fast Track Special Court, Ludhiana. The same is taken on record and marked as *Annexure 'X'*

3. During the course of hearing on 25.07.2024, following order has been passed: -

'3. Learned counsel for the petitioner, inter alia, contends that the petitioner, after having been granted concession of bail in case FIR (Annexure P-2) vide order dated 24.11.2021 (Annexure P-1), had been regularly appearing in the trial Court. He contends that the petitioner was ill on 18.01.2024 and his counsel has moved application seeking exemption from appearance on that date, however, the learned trial Court declined the application without any justifiable reason and cancelled the bail of the petitioner besides ordering him to be served through non-bailable warrants of arrest. He submits that the absence of the petitioner was not intentional and moreover the grounds taken for declining the request in the said order (Annexure P-8) does not, in any manner, reflect any role on the part of the petitioner. He contends that the next date fixed in the trial Court is 06.08.2024 and the petitioner is ready to join the proceedings and further give the undertaking before the trial Court that he will regularly appear on each and every date of hearing without fail.

4. *Notice of motion.*

5. *On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.*



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6. *Adjourned to 13.08.2024.*

7. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

8. *In the meanwhile, the petitioner is hereby directed to appear before the trial Court within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court. The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing without fail and in case of any exigency, he will seek exemption from the Court in accordance with law.*

9. *The petitioner is burderned with cost of Rs.5,000/- to be deposited in District Legal Services Authority, Ludhiana, before surrendering in the Court. '*

4. Further on 13.08.2024, following order had been passed: -

'Learned counsel for the petitioner submits that the petitioner although deposited the cost imposed by the Court as per the previous order but could appear before the learned trial Court only on 02.08.2024 due to the fact that the petitioner had to come from Uttrakhand but the learned trial Court refused to accept his application. He submits that the petitioner may be granted some time to appear before the learned trial Court in compliance to the order dated 25.07.2024.

3. *In the interest of justice, the petitioner is directed to appear before the trial Court/Judge on duty on or before 22.08.2024 in compliance to the order dated 25.07.2024 and in that event, learned trial Court/Judge on duty will admit the petitioner on interim bail on his*

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complying with the directions already given in the order dated 25.07.2024.

4. *List on 31.08.2024.'*

5. Learned State counsel informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had appeared before the Trial Court on 16.08.2024 consequent to the orders dated 25.07.2024 and 13.08.2024, passed by this Court, interim bail granted vide orders dated 25.07.2024 and 13.08.2024, is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS). Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.08.2024
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(SANJIV BERRY)
JUDGE



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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |