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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-4734-2024 in/and
CRM-M-57396-2023
Date of decision: 05.02.2024

Baljinder @ Biru

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amit Chaudhary, Advocate for the applicant-petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

CRM-4734-2024

The application is allowed and copy of order Annexure P-10 dated 26.10.2023 and copy of reply Annexure P-11 are taken on record, subject to all just exceptions.

CRM-M-57396-2023

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of impugned order dated 06.12.2022 Annexure P-1 passed by the Court of Special Judge, Fatehabad whereby the bail bonds/surety bonds of petitioner are cancelled in criminal case having FIR No.318 dated 12.07.2021 under Section 21-B, 27-A and 31 NDPS Act, registered at Police Station City Fatehabad.
2. Reply by way of an affidavit of Jaipal Singh, Deputy Superintendent of Police, HQ, Fatehabad filed on behalf of the State is taken on record.
3. The present case is relating to recovery of 37.60 grams of

heroin from the petitioner which comes under non commercial quantity and the petitioner was granted regular bail by this Court vide order dated 12.01.2022 Annexure P-3 and thereafter, the petitioner was regularly appearing before the trial Court as is evident from Annexure P-4 to Annexure P-7. However, subsequently, the petitioner jumped bail and consequently, impugned order Annexure P-1 was passed by the trial Court. The counsel for the petitioner while referring to order Annexure P-9 dated 12.10.2023 passed by this Court submits that the petitioner was arrested in another case and due to that reason, the petitioner failed to appear before the trial Court on the date fixed. The counsel for the petitioner further apprised the Court that in the said criminal case, the petitioner was granted regular bail vide order Annexure P-9 dated 12.10.2023. In the meantime, the petitioner was rearrested in the present case on 18.04.2023 and is presently lodged in judicial custody. In the given circumstances, it appears that the absence of the petitioner before the trial Court on 16.12.2022 was not intentional. Further the rigors of Section 37 are not applicable to the present case, as the recovery comes under non commercial quantity. It will take considerable time for trial to conclude. No purpose is going to be served by keeping the petitioner in custody for any longer period.

4. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

05.02.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No