



12.	920	17.07.2015	147/148/323/285 IPC and Sections 25/54/59 of Arms Act	City Gurgaon, Gurugram
13.	102	21.04.2022	379-A/420/34 IPC	New Colony, Gurugram
14.	047	10.01.2022	25(1-B(A) Arms Act	New Colony, Gurugram

3. The facts and allegations are being taken from order dated 10.10.2024 passed by the Additional Sessions Judge, Gurugram, which reads as follows:

"The brief facts of the case of the prosecution are that as per allegations, in the night of 18.2.2022, one Jatin Chutani was found in front of his house situated in Gali no.4, Arjun Nagar, Gurugram, having the possession of psychotropic substance. Upon checking, it was found that he was having 25 grms. of Smack. Accordingly, the above mentioned first information report was registered at Police Station, New Colony, Gurugram and the investigation was initiated. Thereafter, the accused Jatin Chutani made a disclosure statement implicating one Rahul Aroza (present petitioner) who was arrested on 19.2.2022. Challan against the accused submitted before the court on 29.03.2022. On 24.04.2023 applicant/accused Rahul did not appear before the court and NBW was issued against him and later on applicant/accused was declared proclaimed offender vide order dated 18.10.2023, therefore, the petitioner has moved this application for regular bail."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that the petitioner was on bail earlier, due to absence before trial Court, he was declared proclaimed person and now undertakes to appear on all dates before trial Court.

5. The State's counsel opposes bail on instructions.

REASONING:

6. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 24.04.2023, passed by Additional Sessions Judge, Gurugram, later on he was declared proclaimed offender.

7. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, petitioner was earlier on bail and the other factors peculiar to this case, there would be no justifiability for pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.



CONDITIONS:

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner shall attend the Trial on every date and shall not seek any adjournment.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.04.2025
renubala

Whether speaking/reasoned: Yes
Whether reportable: No.