



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7969-2025

Date of decision: 24.02.2025

SUBHASH

....PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Ashish Kumar Sharma, Advocate for
Mr. Rajesh Khandelwal, Advocate
for the petitioners.

Mr. Vipul Sherwal, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 438 of Cr.P.C. has been filed for setting aside of the impugned order dated 27.11.2024 (Annexure P-1) passed by learned Special Judge, Fast Track, Fatehabad in case FIR No.136 dated 28.05.2019 registered under Sections 15, 61 of NDPS Act and 15(b) and 27-A of NDPS Act added later on at P.S.City Ratia, District Fatehabad.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 11.02.2025, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 14.02.2025 passed by learned Special Judge, Fast Track, Fatehabad, in this regard. He has also deposited cost of Rs.5,000/- in compliance to the order dated 11.02.2025.

3. This aspect is not disputed by learned State counsel.



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4. During the course of hearing on 11.02.2025, following order was passed:

“ 2. *Heard.*

3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after having been granted concession of bail in case FIR (supra), had been regularly appearing before the learned Trial Court in case No. 247-NDPS-2019, ‘State vs. Rohit and others’. He contends that on 27.11.2024, the petitioner could not appear in the Court on account of having wrongly noted the date, leading to learned Trial Court passing the order dated 27.11.2024, (Annexure P-1), thereby cancelling the bail and issuing the non bailable warrants of arrest for 14.02.2025 of the petitioner. He contends that the absence of the petitioner was not intentional but on account of having wrongly noted the date and immediately on coming to know about the same, he had moved an application for anticipatory bail which was dismissed by learned Special Judge, Fast Track under the NDPS Act, Fatehabad, vide order dated 07.02.2025 (Annexure P-2).*

4. *Learned counsel for the petitioner further contends that if granted the concession of bail, the petitioner will regularly appear in the Court on each and every date of hearing without fail and face the trial.*

5. *Notice of motion, returnable for 24.02.2025.*

6. *On the asking of the Court, Mr. Arun Kumar Gujjar, AAG, Haryana, who is present in Court, accepts notice and does not dispute the factual matrix of the case.*

7. *Considering the averments made by learned counsel for the petitioner without commenting on the merits of the case, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate on or before*



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14.02.2025 and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds. The petitioner is also burdened to pay a cost of Rs. 5,000/- in the District Legal Services Authority, Fatehabad, as a condition precedent for grant of interim bail.

8. The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.

9. Copy of this order be given under the signature of the Bench Secretary of this Court.”

5. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 11.02.2025, passed by this Court, the present petition is allowed. The order dated 27.11.2024 (Annexure P-1), passed by learned Special Judge, Fast Track, Fatehabad, is set aside and the interim bail granted vide order dated 11.02.2024 is hereby confirmed.

6. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

24.02.2025
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i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No