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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63458-2024
Decided on: 06.05.2025

State of Haryana

...Petitioner

Versus

Rajan

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aashish Bishnoi, DAG, Haryana.
for the petitioner.

Mr. Pardeep Panwar, Advocate
for the respondent.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
293	19.08.2018	Old Sabzi Mandi, Rohtak	21, 22, 27 of NDPS Act

1. Seeking cancellation of bail granted to the accused in the FIR captioned above, the State has come up before this Court under Section 482 BNSS 2023 r/w 439(2) of the Code of Criminal Procedure, 1973 (CrPC).

2. Vide order dated 28.05.2024, the trial court had granted bail to the accused on the grounds mentioned in the following paragraphs of the impugned order:

“7. I have perused the file. The non-appearance of the applicant-accused is found to be apparent on record. The trial is going to take long. The absence of applicant-accused was neither willful nor intentional. Therefore, in the interest of justice, applicant-accused is allowed bail in the sum of Rs.1,00,000/- with the one surety in the like amount to the satisfaction of learned CJM/Duty Magistrate/Illaqa Magistrate. However, he is directed to be vigilant in future regarding his appearance in the Court.”

3. Counsel for the State seeks cancellation of bail on the ground that accused is not appearing before the trial Court on every date and rigors of Section 37 of NDPS Act were ignored while granting bail to the respondent.

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4. The accused's counsel submits that non-appearance was un-intentional as he was in custody in some other case. However, he undertakes to appear before the trial Court on each and every date without a single default. On instructions, counsel for the accused submits that accused shall not repeat the offence and if he does so, he has no objection if State files application for cancellation of bail.

5. In the facts and circumstances peculiar to this case, and for the above reasons, no grounds exist to cancel the bail.

6. It is clarified that if the accused repeats the offence, the State may file an application for cancellation of bail before the Sessions Court, which may have the liberty to cancel this bail.

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

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

(ANOOP CHITKARA)
JUDGE

06.05.2025
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Whether speaking/reasoned:	Yes
Whether reportable:	No.