

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.12038 of 2016

Date of decision: August 02, 2016

Sarik Hassan and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Satnam S. Gill, Advocate
for the petitioners.

Mr. Sidakmeet S. Sandhu, AAG, Punjab assisted by
HC Kulwant Singh.

JASPAL SINGH, J.(ORAL)

This is a petition under Section 438 of Code of Criminal Procedure preferred by the petitioners, feeling apprehension of their arrest, in case FIR No.150 dated 27.08.2013, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Shambu, District Patiala.

While issuing notice of motion by this Court on April 07, 2016, the following order was passed:-

“Counsel would submit that the petitioners were arrested in this case on 17.8.2013 and were granted bail by the Trial Court on 28.3.2014 and thereafter have been regularly appearing and associating with the trial proceedings. However, only on account of non-appearance on a particular date the concession of bail has been canceled and non-bailable warrants of arrest have been issued.

Contention is that non-appearance was on account of bonafide reasons and there was no intent to evade the process of law.

Notice of motion, returnable for 20.7.2016.

In the meantime, if, the petitioners appear before the Trial Court on the date already fixed i.e. 11.4.2016, they would be entitled to ad interim protection as regards arrest subject to satisfaction of the Trial Court.

It is, however, made clear that benefit of this order would enure to the petitioners only upon a prior deposit of Rs.10,000/- with the District Legal Services Authority, Patiala.”.

Undisputedly, the petitioners were arrested in this case on 17th August, 2013 and were granted the concession of bail by the trial Court on 28th March, 2014. Thereafter, they have been regularly appearing and associating with the trial proceedings but on account of their non-appearance, the concession of bail was withdrawn. The bail bonds were cancelled and they were ordered to be summoned for non-bailable warrants of arrest. The petitioners also undertake not to repeat the wrong earlier committed by them. Moreover, the trial is to take time. Otherwise also, in compliance of the order dated April 07, 2016, petitioner has already joined the proceedings and have furnished the fresh bonds.

Accordingly, interim order dated April 07, 2016, is made absolute till the disposal of the trial.

Petition stands disposed of accordingly.

August 02, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No