

**Sr. No.101
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-45864 of 2016 (O&M)
Date of Decision: 10.01.2017**

Kirat Singh and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Jagjit Gill, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the second petition preferred by the petitioners under Section 438 Cr.P.C. seeking concession of pre-arrest bail in case FIR No.54 dated 05.05.2012, under Sections 15, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Rori, District Sirsa.

Counsel for the petitioners has been heard at length.

As per prosecution version, FIR was registered on account of an alleged recovery having been effected of 12 quintals, 1 kg and 200 grams of poppy husk.

Apparently, the investigating agency while submitting the final report under Section 173 Cr.P.C. chose to implicate only co-accused Biru Singh and the present three petitioners were not implicated. In pursuance to the application having been preferred under Section 193 Cr.P.C., the present petitioners were also summoned by the Court in the light of an order dated 19.10.2013 (Annexure P-2). The petitioners filed a revision petition in this Court impugning the summoning order and in the revision petition notice of

reasons best known to the petitioners, such petition was thereafter withdrawn but with liberty to file a petition afresh with better particulars.

Counsel apprises the Court that thereafter a fresh revision petition against the summoning order dated 19.10.2013 was filed and the same is pending adjudication before this Court. He, however, concedes that in the second revision petition, there is no interim/stay order qua the impugned summoning directed by the trial Court on 19.10.2013.

To ensure that the petitioners join the trial proceedings in pursuance to the summoning order dated 19.10.2013, bailable warrants were issued. Placed on record at Annexure P-7 is the order dated 14.12.2016 passed by the learned Additional Sessions Judge, Sirsa wherein it has been observed that the petitioners are intentionally avoiding service on bailable warrants and accordingly warrants of arrest have been issued against the petitioners for appearance on 03.01.2017.

Conceded position is that the petitioners have chosen not to associate with the trial proceedings on 03.01.2017.

In the totality of the circumstances and looking towards the conduct of the petitioners, this Court is of the considered view that they are not entitled to the concession of pre-arrest bail.

Petition is dismissed.

10.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No