

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-54156 of 2018

Date of Decision: 07.12.2018

Sartaj Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Vipul Jindal, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for seeking pre-arrest bail to the petitioner(s) in case FIR No. 17 dated 17.01.2015, registered under Section(s) 21 & 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Jandiala Guru, District Amritsar Rural and for setting aside the impugned order dated 18.09.2018 (Annexure P5), passed by the learned Additional Sessions Judge, Special Court, Amritsar, whereby petitioner was declared as proclaimed offender.

Learned counsel for the petitioner contended that petitioner was admitted to interim bail as report from the Forensic Science Laboratory/Chemical Examiner was not received by the learned trial Court.

At that time, the learned Court below passed the following order on

03.03.2015 (Annexure P2):-

“In case, on receipt of report of Chemical Examiner or Forensic Laboratory, quantity of narcotic drug or psychotropic substance is found to be commercial, this order granting interim bail shall be deemed to have come to an end automatically and applicant will be taken in custody without any further orders of cancellation of bail”.

Learned counsel for the petitioner contended that as per report of Forensic Science Laboratory, the alleged recovery of quantity of narcotic substance was less than the commercial quantity and there was no reason for cancellation of bail as regard to non-appearance of petitioner before the Court of learned Additional Sessions Judge. Learned counsel further contended that petitioner was in custody in some other case during that period and he has not received any notice in this regard.

Taking all these facts into consideration, present petition stands disposed of with the directions to the petitioner to surrender before the learned trial Judge within a period of one week from today and move an appropriate application for grant of bail detailing all these facts. Thereafter, the learned trial Judge shall consider all these aspects favourably and dispose of the application within a period of one week.

(Shekher Dhawan)
Judge

December 07, 2018
“DK”

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