

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

207

CRM-M-61837-2018 (O & M)
Date of Decision:17.05.2019

Sushil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.24 dated 17.03.2018 under Sections 21/61 of NDPS Act, registered at Police Station Nurmahal, District Jalandhar. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 21.12.2018 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that the petitioner was released on regular bail vide order dated 16.04.2018. Thereafter, he was appearing regularly before the trial Court. But he could not appear on 28.09.2018 because of noting wrong date of hearing as 12.11.2018. On 03.11.2018 his father has expired and he also asked his counsel to move an application for exemption but no such application was moved.

Thereafter, warrant of arrest has been issued against him. He is ready to appear before the trial Court.

Notice of motion for 20.02.2019.

Meanwhile, the petitioner is directed to appear before the trial Court within a period of two weeks from the date of receipt of certified copy of this order and in case he does so, he shall be released on interim bail on furnishing bail/surety bonds to the satisfaction of the trial Court, subject to deposit of ₹ 10,000/- with the trial Court.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the trial Court. According to him, the petitioner has furnished requisite bonds to the satisfaction of the trial Court and deposited ₹10,000/- with the trial Court.

Learned State counsel on instructions from ASI Kulbir does not dispute this fact that the petitioner has appeared before the trial Court. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 21.12.2018 is made absolute and the petitioner is allowed to remain on the bail bonds and surety bonds furnished by him pursuant to the interim order dated 21.12.2018 passed by this Court.

The petition stands allowed.

17.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No