

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

104

CRM-M-11308 of 2020
Date of Decision: 18.03.2020

Gagandeep Singh alias Gagan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

LALIT BATRA, J (ORAL)

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to petitioner in case FIR No.179 dated 29.07.2017 under Section 21 of the N.D.P.S. Act, 1985, registered at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner *inter alia* contends that in case FIR No.179 dated 29.07.2017, as detailed above, petitioner was admitted to bail and he used to appear before the Court concerned but for want of presentation of challan in the Court, proceedings qua that aspect were adjourned sine die. He further submits that after presentation of challan in the Court, though notices were issued to seek appearance of petitioner in the Court but in view of fact that petitioner was confined in jail in case FIR No.125 dated 29.07.2019 under Sections 21 and 29 of the N.D.P.S. Act and Section 25 of Arms Act, registered at Police Station Chheharta and FIR No.156 dated 11.07.2019 under Sections 21 and 29

of the N.D.P.S. Act and Section 25 of Arms Act, registered at Police Station Islamabad , District Amritsar, appearance of petitioner was being sought by Court concerned by issuance of production warrants. He further submits that it appears that on 07.02.2020 or thereafter, appearance of petitioner is being secured through warrant of arrest and to seek appropriate relief, petitioner had moved application under Section 438 Cr.P.C. before the Court concerned but claim of petitioner was declined stating therein that application is not maintainable. He further submits that absence of petitioner in the Court concerned was not on account of any default at his instance but he could not appear in Court as he was confined in jail in some other case FIRs, as detailed above and he wants to appear before the Court concerned to face the trial.

Notice of motion.

At the asking of Court, Mr. Harbir Sandhu, Assistant Advocate General, Punjab, accepts notice on behalf of respondent-State. Complete copy of paper book has been supplied to him.

In view of above, instant petition is allowed in the manner that petitioner shall surrender before Court concerned within 10 days positively from today and on surrender, he shall be admitted to bail on his furnishing fresh personal/surety bonds to the satisfaction of trial Court.

Meanwhile, no coercive steps shall be initiated against the petitioner in pursuant to warrant of arrest issued against him by the Court concerned.

(LALIT BATRA)
JUDGE

18.03.2020
D.Bansal

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