

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 15588 of 2020

Date of Decision: 13.10.2020

Avtar Singh

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJPresent: Mr. Vishal Khatri, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Manoj Bajaj, J.

This petition has been filed by the petitioner under Section 438 read with Section 482 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 48 dated 26.03.2017 under Sections 15, 18, 21, 22 and 29 of the NDPS Act, 1985 registered at Police Station Adampur, District, Jalandhar. The petitioner apprehended his arrest at the hands of police in the above FIR.

2. Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.07.2020, 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 contends that initially the concession of interim bail was granted to the petitioner by this Court vide order dated 17.08.2017 and thereafter he continued to appear regularly in the trial proceedings. He submits that on account of his illness, the petitioner failed to appear before the trial Court on 30.09.2019 and his bail was cancelled and further the warrant of arrest was issued against him. He has invited the attention of this Court to the medical record of the petitioner appended with the petition as Annexure P-2. Attention of the Court is further invited to the order dated 04.06.2020 (Annexure P-5), where in another case FIR

No.48 dated 12.04.2019, under Section 18 NDPS Act, Police Station, Adampur, his bail was cancelled on 20.01.2020 and this Court had allowed him to join the proceedings by granting the concession of regular bail.

When the learned counsel was confronted with the maintainability of the petition, as the petitioner was already on regular bail, he prays for treating the petition under Section 482 Cr.P.C. The prayer is accepted.

Learned counsel submits that the petitioner is willing to join the proceedings and would appear before the trial Court within a period of one week.

Notice of motion.

On the asking of Court, Ms.Monika Jalota, learned Deputy Advocate General, Punjab accepts notice on behalf of the State.

Learned counsel for the petitioner is directed to send a complete set of the paper book to the learned State counsel through email during the course of the day.

Adjourned to 13.10.2020.

Let the petitioner submit himself before the trial Court on or before 25.07.2020 and on his appearance, he shall be released on interim regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.”

3. Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the trial Court and was admitted on interim regular bail.

4. Learned State counsel on instructions from ASI Surinder Pal does not dispute this fact that the petitioner has appeared before the trial Court.

5. Considering above, the petition is allowed and the order dated 17.07.2020 is made absolute.

October 13, 2020

Sonia Puri

**(MANOJ BAJAJ)
JUDGE**

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No