

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-18984-2020 (O&M)

Date of Decision:17.08.2020

Satnam Singh @ Love

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Sr. D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-16450-2020

Prayer in this application filed under Section 482 Cr.P.C. is for exemption from filing original signed vakalatnama of the petitioner and certified copies of Annexures P-1 and P-2.

Prayer for exemption from filing original signed vakalatnama of the petitioner and certified copies of Annexures P-1 and P-2 on account of COVID-19 is accepted with the condition that the petitioner shall deposit the required documents within a period of one month when the situation becomes normal from the COVID-19 effect.

Application stands disposed of.

CRM-M-18984-2020

Prayer in this petition filed under Section 439 Cr.P.C. is for

grant of regular bail to the petitioner in FIR No.233 dated 26.06.2014 under Sections 379/411 of IPC and Section 21 of NDPS Act, registered at Police Station Civil Lines, District Amritsar City.

Learned counsel for the petitioner has argued that it is on account of being absent on 06.04.2016, the petitioner was declared PO in the case on 11.11.2016. He submits that the petitioner could not appear before the trial Court on 06.04.2016 as he was arrested in another case i.e. FIR No.10 dated 14.01.2016 under Section 21/29 NDPS Act, Police Station Chhehartta, Amritsar and the police should have obtained warrant of production enabling the petitioner to appear before the trial Court on 06.04.2016. He further submits that earlier the petitioner was on bail by virtue of Section 167(2) Cr.P.C. vide order dated 22.01.2015. In this manner, non-appearance on 06.04.2016 was not intentional. Petitioner was arrested in the case on 16.03.2020. He further submits that the petitioner moved an application for issuance of production warrant and in support thereof, he refers to zimini orders dated 16.05.2016 passed by learned Additional Sessions Judge, Amritsar.

Learned State counsel submits that earlier the petitioner was on bail under Section 167(2) Cr.P.C. However, petitioner did not challenge the order whereby he was declared PO. Therefore, the present petition is not maintainable.

I have heard learned counsel for the parties.

No doubt the recovered quantity is commercial in nature i.e. 340 grams of intoxicating powder, but considering the fact that the petitioner was on bail under Section 167(2) Cr.P.C. vide order dated 22.01.2015 and on 06.04.2016, he could not present before the trial Court as

he was arrested in another case i.e. FIR No.10, dated 14.01.2016, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

August 17, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No