

CRM-M-13527-2021

Date of Decision : 24.03.2021

Gurparkar Singh @ Bagga

...Petitioner

Versus

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Harpal Singh Sidhu, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for quashing of FIR No.216 dated 15.11.2018 registered under Sections 22 NDPS Act, 1985 at Police Station Sadar Patti, District Tarn Taran.
3. Learned counsel contends that the petitioner was granted regular bail vide order Annexure P-2 dated 08.12.2018 on account of recovery of 105 loose intoxicant tablets but was released on bail on account of the same not being commercial quantity and provisions of Section 37 of the NDPS Act are not applicable. Learned counsel further contends that unfortunately on 14.01.2020 and 11.02.2020, the petitioner could not appear before the learned trial Court on account of suffering from pneumonia and although in the circumstances, absence of the petitioner was neither intentional nor deliberate but the bail granted to the

Section 438 Cr.P.C. for grant of anticipatory bail. However, the same was dismissed by the learned Additional Sessions Judge, Tarn Taran.

4. Notice of motion.

5. Mr. LuvinderSofat, AAG, Punjab, accepts notice on behalf of the State of Punjab and states that in the circumstances, order dated 17.03.2020 passed by the learned Additional Sessions Judge, Tarn Taran does not warrant intervention.

6. I have considered the submissions of learned counsel.

7. Admittedly, the petitioner absented before the learned trial Court on 14.01.2020 and 11.02.2020. Thereafter, he moved a petition for pre-arrest bail which was dismissed on the ground that in view of cancellation of bail and issuance of non-bailable warrants, the petitioner ought to have surrendered before the learned trial Court. Order of the learned Additional Sessions Judge dated 17.03.2020 does not warrant intervention.

8. Accordingly, in the circumstances, the petition is disposed of by relegating the petitioner to avail his remedy by way of moving a petition for regular bail under Section 439 Cr.P.C. before the learned trial Court. In the eventuality of a petition for regular bail being moved by the petitioner before the learned trial Court, the learned trial Court is directed to consider and decide the same in accordance with law as expeditiously as possible by taking into all aspects of the matter.

(B.S. Walia)
Judge

March 24, 2021

'ps