

CRM-M-16981-2021

Date of Decision: 20.04.2021

Azad

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. S.K. Bishnoi, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 482 of the Cr.P.C for quashing of the order 'issuing a warrant of arrest', dated 16.03.2021 (copy Annexure P-1), passed by the learned Additional Sessions Judge, Hisar, (in case CIS No. NDPS/72/2019), in the context of FIR No. 68, dated 27.03.2019, registered at Police Station Adampur, District Hisar, for the alleged commission of offences punishable under the provisions of Sections 21/27 of the NDPS Act, 1985.

Though learned counsel for the petitioner submits that the petitioner could not appear before the trial court on 16.03.2021 on account of the fact that there was a traffic jam due to the '*Kisan Maha Panchayat*' and therefore he reached late, it is to be noticed that this petition has been filed only on 19.04.2021, when the next date of hearing before the trial court is 22.04.2021.

It is therefore not understood as to why if that was indeed the genuine case with the petitioner, he could not surrender before the trial court immediately on the same date or the next day or very soon thereafter, to

explain his position to the trial court accordingly, and if necessary to move an application under the provisions of Section 439 of the Cr.P.C. thereafter.

Consequently, finding no merit in the petition, it is dismissed.

However, upon the petitioner surrendering before the trial court, if he is arrested and moves an application under the provisions of Section 439 of the Cr.P.C., naturally that would be decided wholly on its own merits by that court, expeditiously.

April 20, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes