

CRM-M-23400-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-23400-2021

Date of decision: 29.06.2021

Ranjit Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vivek Arora, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this second petition, the petitioner seeks anticipatory bail in case bearing FIR No.337 dated 16.08.2018, registered at Police Station Salem Tabri, Ludhiana, under Section 22 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner being a taxi driver, had to go out of station and due to this reason, he could not attend the court proceedings and ultimately, his bail was cancelled. It is further submitted that because of his ill-health, the petitioner could not surrender before the trial Court within the stipulated period in compliance of the order dated 22.09.2020 passed by this Court in CRM-M-28752-2020. The petitioner also moved an application for extension of time to surrender before the trial Court, but the same was dismissed as withdrawn on 18.02.2021. There is no head-way in the proceedings before the trial

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Court due to Covid-19 and, therefore, no useful purpose would be served by sending the petitioner behind the bars. He prays that the petitioner be allowed to join the proceedings.

Notice of motion.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. A.G.Punjab, accepts notice on behalf of the respondent-State and submits that recovery of 500 gram heroin was effected in the present case and the petitioner had been granted interim bail till the receipt of FSL report only, which has now been received.

I have heard the learned counsel for the parties.

Perusal of the record would show that the petitioner was released on bail, vide order dated 03.12.2018 passed by a Coordinate Bench. However on presentation of challan, he absented himself from the court proceedings and ultimately, his bail had been cancelled. Thereafter, this Court, vide order dated 22.09.2020, directed the petitioner to surrender before the trial Court within 10 days. Even his application for extension of time to surrender before the trial Court, was also dismissed as withdrawn.

The petitioner did not opt to surrender before the trial Court for the reasons best known to him and thereby flouted the order passed by this Court. It is not open to a party to dictate the terms of surrender, when a specific direction was issued in the order. If an accused wilfully flouts the order of the Court, then he can expect no equitable relief from the court and he must be made to bear the consequences of his action. After having obtained a conditional order, the petitioner cannot be allowed to sleep over its compliance. If such a course is allowed, every accused will ignore the

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directions/orders issued by the Court and when caught out, he would throw himself at the mercy of the court.

In my view, in cases like this, the petitioner-accused in default must not be allowed to enjoy the benefits of his action.

Therefore, finding no merit in the present petition, the same is dismissed.

29.06.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No