

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

**CRM-M-42418 of 2021
Date of decision 26.10.2021**

Balwinder Singh @ Dhoni

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Arora, Advocate for the petitioner,
Ms. Bhavna Gupta, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in NDPS case No. 443 of 2020 arising out of FIR No. 94 dated 26.12.2016 under Section 21 of Narcotic Drugs and Psychotropic substances Act, 1985, registered at Police Station Jhabal, District Tarn Taran.

On 8.10.2021, the following order was passed:

“Today physical hearing was held but on request of learned counsel for the petitioner, the matter is taken up by way of hybrid hearing.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in NDPS case No. 443 of 2020 arising out of FIR No. 94 dated 26.12.2016 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Jhabal, District Tarn Taran.

As per the case set up by the prosecution five gram heroine was recovered from the petitioner. The petitioner was granted bail. However, he absented before the trial Court and vide order dated 23rd August, 2021 non-

bailable warrant of arrest was issued.

Learned counsel for the petitioner submits that the challan was presented in the absence of the petitioner during COVID-19 situation. Thereafter, the matter was adjourned in routine due to prevailing circumstance.

Considering the facts and circumstances in totality the petitioner is granted interim bail subject to appearing before the Court concerned on 12th October, 2021. He shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Trial Court.

List on 26th October, 2021.

The court concerned shall be at liberty to impose any further conditions to ensure the presence of petitioner in future.”

Learned counsel for the petitioner has produced order dated 12.10.2021 passed by Additional Sessions Judge, Tarn Taran which is quoted below:

“At this stage an application has been filed annexed with an order of Hon'ble High Court passed in CRM-M-42418-2021 dated 08.10.2021. Report of Ahlmad called. Keeping in view the order of Hon'ble High Court, the accused is directed to furnish bail bonds and surety bonds in sum of Rs. 1,00,000/- with one surety in the like amount. Bonds furnished, same stands accepted and attested. The order of initiation of Proclamation proceedings against the accused/applicant stands withdrawn as he has appeared before this court in view of above said order. Now to come up on 30.11.2021 date already fixed for Pws. Pws be summoned for date fixed.”

In view of the above, no further directions are called for.

The petition stands disposed of.

[AVNEESH JHINGAN]
JUDGE

26th October, 2021

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |