

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1196-2022
Date of decision: 12.01.2022

Sukhdeep Singh
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioner.
Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
19	19.01.2019	Cantonment, District Police Commissionerate, Amritsar	21 NDPS Act

1. Aggrieved by the order dated 04.10.2021 passed by learned Judge, Special Court, Amritsar (Annexure P-3) whereby the bail bonds/surety bonds of the petitioner have been cancelled and his arrest warrants have been issued, the petitioner-accused has come up before this Court under Section 438 Cr.P.C., seeking anticipatory bail in the FIR captioned above.

NOTICE

2. Mr. Harsimar Singh Sitta, AAG, Punjab, waives service and accepts notice on behalf of the respondent-State and opposes the accused's interim protection from arrest.

3. In Para 13 of the bail petition, the petitioner declares having no criminal history.

4. In paragraph 4 of the bail petition, the petitioner-accused has offered his

explanation for non-appearance before the trial Court on 04.10.2021, being his ill health.

5. Learned State counsel submits that the matter is listed before the trial Court on 01.02.2022.

REASONING:

6. The alleged recovery made from the petitioner-accused is 5 grams of heroin and as per the explanation offered by the petitioner in paragraph 4 of the petition, he was regularly appearing before the trial Court except on 04.10.2021, due to his ill health. Thus, considering the quantity of the contraband recovered from the petitioner and being satisfied with his explanation for non-appearance, this petition is allowed and order dated 04.10.2021 is set aside. Bail bonds and surety bonds are restored, subject to the petitioner's putting in appearance before the trial Court on 01.02.2022.

7. It is clarified that in case the petitioner fails to appear on 01.02.2022, this order shall stand automatically recalled under Section 362 CrPC read with Section 482 CrPC, without any further reference to this Court. It is also clarified that the petitioner shall not evade trial and shall continue to appear without fail.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case, nor shall the trial Court advert to these comments.

9. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

January 12, 2022
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