

120

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

CRM-M-19764-2022

Date of decision : 11.05.2022

Varun Katoch

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Krishan Kanha, Advocate for
Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 05.10.2021 (Annexure P-3) passed by the Additional District & Sessions Judge, Jalandhar in case FIR No.118 dated 30.07.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bhogpur, District Jalandhar Rural, vide which, the non-bailable warrants for arrest of the petitioner have been issued.

The petitioner had filed earlier petition bearing No.CRM-M-17039-2022, in which, this Court had passed the following order:-

*“This is a petition filed under Section 482 of Cr.P.C.
for quashing of order dated 05.10.2021 (Annexure P-3)*

passed by the Additional Sessions Judge, Jalandhar in case FIR No.118 dated 30.07.2018 registered under Section 22 of the NDPS Act at Police Station Bhogpur, District Jalandhar Rural.

A perusal of the file shows that the petitioner was granted interim bail vide order dated 07.09.2018 (Annexure P-2) which was not ordered to continue in case, nature of substance was found to be in the category of commercial. In the present petition, it has not been stated by the petitioner as to whether the substance recovered was found to be commercial or not. In case, the substance is found to be of commercial quantity, then, it was incumbent upon the petitioner to surrender. However, no such details have been mentioned in the petition. Even the zimni orders prior to 05.10.2021 have not been annexed.

In view of abovesaid facts and circumstances, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition with liberty to the petitioner to file fresh petition after giving complete and better particulars and also annexing all the relevant documents.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

26.04.2022”

A perusal of the present petition would show that even with the present petition, no order subsequent to the grant of interim bail to the petitioner dated 07.09.2018 has been annexed in order to show as to whether the quantity in the present case was commercial or non-commercial or that the petitioner had appeared and was not taken into custody. Further a perusal of the petition would also show that it has been stated that the petitioner had not appeared on 02.02.2021, on account of serious medical

problem. However, neither any problem has been detailed in the petition nor any document in support of medical problem has been annexed alongwith the present petition. Be that as it may, even as per the petition, thereafter, the matter was adjourned to 24.05.2021 and further to 05.10.2021 and thereafter to 27.01.2022 and yet the petitioner had neither appeared nor moved an application for exemption. Since the petitioner was granted interim bail vide order dated 07.09.2018 (Annexure P-2), thus, it is apparent that the petitioner was aware about the proceedings and accordingly, no ground is made out for setting aside the order dated 05.10.2021 (Annexure P-3).

Hence, the present petition is dismissed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

11.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No