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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22914-2021 (O&M)
Date of Decision: 19.01.2022

Kinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurmeet Singh Bajwa, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.116 dated 09.06.2020, under Sections 22/29/61/85 NDPS Act, registered at Police Station Kotwali, District Kapurthala. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 11.06.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“This petition under Section 438 CrPC has been filed by petitioner-Kinder Singh, inter alia, praying for grant of anticipatory bail in case FIR No.116 dated 09.06.2020 under Sections 22/29/61/85 of NDPS Act, registered at PS Kotwali, District Kapurthala.

Learned counsel submits that vide order dated 14.07.2020, the petitioner was granted interim bail by the Special Court, Kapurthala. He further submits that thereafter vide order dated 07.04.2021, the same has been cancelled. He also relies upon the order dated 24.05.2021 passed by this Court in the case of co-accused Satnam Singh @ Satta in

CRM-M-20642-2021. The operative part of the said order (circulated via whatsapp) reads as under:-

“In the meantime, arrest of the petitioner herein is stayed limited for a period of one week from today, with a direction to the petitioner to appear/surrender before the trial court and join the proceedings within the stipulated period. On his doing so, he be released on interim bail by the trial court to its satisfaction. It is made clear that in case, the period herein fails to appear/surrender before the trial court within the stipulated period, any interim protection granted to him today, shall stand automatically vacated.”

Notice of motion for 25.11.2021.

Interim order in same terms as reproduced above.”

Learned counsel for the petitioner states that pursuant to the order dated 11.06.2021, the petitioner submitted himself before the trial Court on 16.06.2021, who was admitted on interim regular bail.

The above position is not disputed by the learned State counsel.

Considering the above, the petition is allowed and it is ordered that the petitioner shall remain on regular bail and on the same bail bonds/surety bonds furnished by him before the trial Court on 16.06.2021.

19.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No