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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46598-2022

Date of Decision: 07.10.2022

GURJEET SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ishan Kaushal, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.42 dated 02.03.2021 registered at Police Station Civil Lines, Batala under Sections 22 and 29 of NDPS, Act.

The petitioner inter alia contends that the petitioner was granted concession of interim anticipatory bail on 24.03.2021 and directed to join investigation on 30.03.2021. The petitioner joined investigation and Investigating Officer made statement that custodial interrogation is not required for further investigation. Accordingly, the bail application was allowed and interim order dated 24.03.2021 was made absolute by order dated 01.04.2021.

Learned Trial Court on account of absence of petitioner vide ordered dated 26.07.2022 has cancelled bail order and bail bonds.

Learned Trial Court has further ordered to summon the petitioner

through non-bailable warrants. Notice has also been issued to the surety.

The petitioner further contends that he could not appear before learned Trial Court on the date fixed because he was not aware about the date fixed and wife of the petitioner was not keeping good health. The petitioner being sole bread earner was taking care of his ill wife and children. In these circumstances, the petitioner failed to appear on the dates fixed, however, undertakes to appear before learned Trial Court on each and every date.

Notice of Motion.

On the asking of the Court Mr. Kirat Singh Sandhu, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the facts, however, prays for imposition of costs.

Keeping in view the fact that petitioner was granted interim anticipatory bail and he joined investigation as per directions of learned Judge Special Court, Gurdaspur, who subsequently made interim bail absolute as Investigating Officer made a statement that his custodial interrogation is not required. Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family. There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view facts and circumstances, I deem it appropriate to extend concession of anticipatory bail to petitioner, subject to furnishing of fresh bail bonds to the satisfaction of learned Trial Court.

The petitioner is directed to appear before learned Trial Court on 14.10.2022 and furnish fresh bail bonds alongwith costs of Rs.50,000/- to be paid to respondent-State.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

07.10.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>