

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-50854 of 2022
Date of Decision: 17.11.2022**

Satwant Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.B.S.Bhalla, Advocate
for the petitioner.

Mr. J.P.Ratra, Sr. DAG, Punjab

JAGMOHAN BANSAL.J. (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking setting aside of order dated 3.9.2022 (Annexure P-4) passed by Judge, Special Court, Amritsar whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner in FIR No. 94 dated 28.11.2017, under Section 15 of NDPS Act, 1985 registered at Police Station Tarsikka, District Amritsar (Rural).

Learned counsel for the petitioner submits that the petitioner was arrested and thereafter released on regular bail. The petitioner was apprehended with 10 kgs of poppy husk which is a non-commercial quantity. The petitioner was regularly appearing, however, due to illness could not appear on different dates before the trial court. The petitioner was admitted in Government Hospital, Amritsar on 13.11.2021 and later on operated. The petitioner was discharged on

permanent disability to the extent of 50%.

Notice of Motion.

On the asking of the Court Mr. J.P.Ratra, Sr.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.

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 the facts that petitioner was arrested and thereafter released on bail, the petitioner was found involved in smuggling of non-commercial quantity of poppy husk, the trial is pending since 2018 and he is ready to face trial, the object of presence of accused is primarily for the benefit of accused, no prejudice is going to cause if petitioner is permitted to appear and granted concession of bail, I deem it appropriate to allow the present petition and to extend concession of bail to the 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 24.11.2022 and furnish fresh bail bonds to its satisfactgion. The petitioner, as agreed, shall pay costs of Rs. 10,000/- to be paid to the District Legal Services Authority, Amritsar.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

17.11.2022

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Whether speaking/reasoned : Yes
Whether reportable : Yes/No