

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

141

CRM-M-53665-2022
Date of decision : 21.11.2022

Nachhattar Singh @ Nachatar Masih

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of Code of Criminal Procedure, 1973 for setting aside of order dated 23.09.2022 (**Annexure P-1**) passed by Additional Sessions Judge, Amritsar whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest were issued against the petitioner in case FIR No.203 dated 31.10.2016 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Jandiala, District Amritsar (Rural).

Learned counsel for the petitioner submits that the petitioner along with two co-accused was apprehended with 50 grams of heroin which is a non-commercial quantity. The petitioner was released on regular bail. Thereafter, the petitioner was regularly appearing before the Trial Court. However, on 23.09.2022 the petitioner could not appear before the trial Court as inadvertently he had noted down wrong date and on the said date non-bailable warrants of arrest were ordered to be issued against the petitioner

Notice of Motion.

On the asking of the Court, Mr. Joginder Singh Ratra, Senior D.A.G., 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 heroin, the trial is pending since 2016 and the petitioner 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 Trial Court.

The petitioner is directed to appear before the Trial Court within 07 days from today and furnish fresh bail bonds to its satisfaction. 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.

21.11.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No