

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-53156 of 2022(O&M)

Date of Decision: 17.11.2022

Sarbjit Singh @ Bau

---Petitioner

versus

State of Punjab

---Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. B.S.Jaswal, Advocate
for the petitioner.
Mr. J.P.Ratra, Sr. DAG, Punjab

JAGMOHAN BANSAL,J. (ORAL)

CRM-43914 of 2022

Allowed as prayed for.

CRM-M-53156 of 2022

Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 62 dated 22.4.2019, under Section 15 of NDPS Act, 1985 registered at Police Station Mehta, District Amritsar.

Learned counsel for the petitioner submits that the petitioner was arrested on 22.4.2019 and thereafter vide order dated 16.5.2019 (Annexure P-2) released on regular bail. The petitioner was apprehended with 5 kgs and 100 gms of poppy husk which is non-commercial quantity. The petitioner was regularly appearing before the trial court, however, on 13.5.2022 he could not appear as his counsel had not informed him of the date fixed. Learned counsel further submits that the petitioner is ready to face trial on each and every date.

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 2019 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 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.

(JAGMOHAN BANSAL)
JUDGE

17.11.2022
paramjit

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