

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

112

CRM-M-57765-2022

Date of Decision: 12.12.2022

Navdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sandeep Kumar, Advocate,
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking setting aside of order dated 28.09.2022 (Annexure P-6) passed by learned Judge, Special Court, Kapurthala, in FIR No.56 dated 23.08.2018 (Annexure P-1) under Section 22 of NDPS Act, 1985, registered at Police Station Dhilwan, District Kapurthala, whereby petitioner has been ordered to be summoned through proclamation under Section 82 Cr.P.C. for 16.02.2023.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner was granted concession of anticipatory bail vide order dated 19.01.2019 (Annexure P-2) passed by the Additional Sessions Judge, Kapurthala. The petitioner has left his village and joined a religious institute and working as a whole-time volunteer. As per impugned order, the petitioner could not be served because he has left the village. The petitioner is not involved in any criminal case and has not been declared proclaimed offender. The petitioner is ready to face the trial and undertakes to appear on each and every date before the trial Court. The petitioner is ready to pay costs of Rs.10,000/-. No prejudice is going to be caused to the prosecution if an opportunity is granted to the petitioner.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of respondent-State and submits that State has no objection if the present petition is disposed of, subject to costs.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- (i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus, his presence would meet ends of justice;
- (ii) The petitioner was granted concession of anticipatory bail, vide order dated 19.01.2019 (Annexure P-2) passed by the Additional Sessions Judge, Kapurthala;
- (iii) The petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs.10,000/-;
- (iv) The petitioner is ready to furnish bond/surety to the satisfaction of the trial court;

- (v) The petitioner is resident of Kapurthala and trial is pending at Kapurthala, thus jurisdictional court and police authorities have direct access over the activities of the petitioner;
- (vi) The petitioner is not involved in any other case and in the present case, quantity of drugs recovered from the petitioner is not commercial quantity;
- (vii) Trial is pending since 2018 and petitioner is ready to face trial, thus, no prejudice is going to be caused to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is directed to appear before trial Court on or before 10.01.2023 and on his doing so, the trial court shall release him on bail on his furnishing bail bonds. The petitioner, as agreed, shall pay costs of Rs.10,000/- to the District Legal Services Authority, Kapurthala.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

12.12.2022

Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>