

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

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**CRM-M-59060-2022 (O&M)
Date of Decision: 16.12.2022**

Arshdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr.Bharat Julka, Advocate,
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition is seeking quashing/setting aside of order dated 07.11.2022 (Annexure P-6), whereby Additional Sessions Judge, Sri Muktsar Sahib, has issued warrants of arrest against the petitioner for 02.12.2022 in FIR No.67 dated 10.07.2017 (Annexure P-1) under Sections 21 and 22 of NDPS Act, 1985, registered at Police Station Giddarbaha, District Sri Muktsar Sahib, Punjab.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner was arrested on 10.07.2017 and thereafter, vide order dated 01.08.2017 passed by Judge Special Court, Sri Muktsar Sahib was released on bail. The petitioner along with his wife left India in January' 2018 which resulted into his non-appearance before Trial Court. The Trial Court issued warrants of arrest for his appearance and vide last order dated 07.11.2022, the presence of the petitioner was ordered to be secured through non-bailable warrants for 02.12.2022 on which date, holiday was declared and now matter is fixed before Trial Court on 21.12.2022. The petitioner has not been declared proclaimed person and there is no other case pending against him. The petitioner

has come back to India and is ready to join proceedings and face the trial. The petitioner also undertakes to appear on each and every date before the Trial Court and is ready to pay costs of Rs.25,000/-. 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 vide order dated 01.08.2017 passed by Judge Special Court, Sri Muktsar Sahib was released on bail;
- iii. The petitioner has not been declared proclaimed person;
- iv. The petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs.25,000/-;
- v. The petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- vi. The petitioner is not involved in any other criminal case;
- vii. The petitioner is resident of Sri Muktsar Sahib and trial is pending at Sri Muktsar Sahib, thus jurisdictional court and police authorities have direct access over the activities of the petitioner;
- viii. Trial is pending since 2017 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 21.12.2022 (date of hearing before trial Court) 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.25,000/- to PGI Poor Patients Welfare Fund, Chandigarh.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

16.12.2022
Mohit Kumar

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