

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

CRM-M-1872-2023

Date of Decision: March 15, 2023

MANJIT SINGH @ BABA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K.S. Brar, Advocate for petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside of the order dated 30.09.2022 passed by Ld. Judge Special Court, Kapurthala whereby the bail bonds of petitioners were cancelled, surety bonds forfeited followed by non-bailable warrants issued against him in case FIR No.124 dated 03.07.2021 registered under Sections 21 and 29 of NDPS Act, 1985, P.S. Subhanpur, District Kapurthala.

On 24.01.2023, this Court passed the following order:-

“On 13.01.2023, this Court passed the following order:-

‘By way of present petition filed under Section 482 Cr.P.C., challenge has been made to an order dated 30.09.2022 passed by the learned Judge Special Court, Kapurthala whereby, the bail bonds of the petitioner were cancelled, surety bonds forfeited followed by issuance of non-bailable warrants against him. The facts of the case are that the petitioner was arrayed as an accused in FIR No.124 dated 03.07.2021 under Section 21, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Subhanpur, District Kapurthala followed by his arrest on 24.07.2021 wherein he was granted the concession of

regular bail by learned Judge Special Court, Kapurthala vide order dated 10.08.2021. On account of his non-appearance on 30.09.2022, before learned Judge Special Court, Kapurthala, the bail bonds of the petitioner were cancelled, surety bonds forfeited & non-bailable warrants issued against him. Later, the petitioner was arrested on 08.11.2022 in relation to one another case i.e. FIR No.141 dated 06.11.2022 under Section 21(b), 29 of the NDPS Act Police Station Maqsudan, District Jalandhar (Rural). Having apprised of the fact that the petitioner was in custody in another FIR No.141 dated 06.11.2022, the Special Court Kapurthala dealing with the trial of previous FIR No.124 dated 03.07.2021 issued production warrants against him for 19.12.2022. In the meanwhile, the petitioner was granted concession of regular bail in the subsequent FIR i.e. FIR No.141 dated 06.11.2022, by the Court of Special Judge, Jalandhar vide order dated 12.12.2022 and was released. It is strange and unfortunate that the Investigating Agency at Jalandhar never informed the Court dealing with the bail application relating to the second FIR i.e. FIR No.141 dated 06.11.2022 regarding the issuance of production warrants by the special Judge, Kapurthala, dealing with the proceedings in the case arising out of FIR No.124 dated 03.07.2021. In view of the above, the SSP Jalandhar (Rural) along with the Superintendent Modern Jail, Kapurthala are requested to appear and explain the aforesaid conduct of the State machinery of having adopting an unusual and casual approach while the defending the interest of State.

Adjourned to 24.01.2023.'

Today, separate reply by way of affidavits of Senior Superintendent of Police, Jalandhar (Rural) and Additional Superintendent, Central Jail, Kapurthala have been filed in Court and same are taken on record. Copies of the same are supplied to learned counsel for the petitioner.

Learned State counsel seeks time to enquire about the fact as to whether there are any guidelines/instructions/rules pertaining to the exchange of information about the accused arrayed in different FIRs inter se Districts within the State of Punjab.

Adjourned to 15.03.2023.

In the meanwhile, the petitioner shall surrender before the trial court within a period of 15 days from today and move an application for regular bail, which shall be disposed of on the same day, by accepting fresh bail bonds and surety bonds to be furnished by the petitioner, as per the satisfaction of the trial court."

In pursuance thereof, learned counsel for petitioner has shown me two orders dated 08.02.2023 and 02.03.2023 passed by Judge Special Court, Kapurthala showing that the petitioner has already appeared before trial Court and his bail bonds/surety bonds stand accepted.

Besides it, an affidavit dated 14.03.2023 has been filed by

Mr. Sarabjit Singh, PPS, Assistant Inspector General of Police,

Litigation, Bureau of Investigation, Punjab, Chandigarh so as to contend that in furtherance to the directions dated 24.01.2023 passed by this Court to the effect that crime meeting of DGP, Punjab with heads of field units, the latter have been asked to utilize the procedure provided under PPR so that the information sheets are exchanged between the police stations as and when required and entry of its dispatch is made in Police Station Register No.XII, Form23.17(2).

In view of the aforesaid, no further directions are required to be issued in this regard.

The order dated 24.01.2023 is hereby made absolute.

Disposed of accordingly.

However, the aforesaid order shall be subject to payment of Cost of Rs.10,000/- to be deposited with Punjab and Haryana High Court Bar Association Lawyer’s Family Welfare Fund, Account No:- 41564846387, State Bank of India, High Court Branch, Chandigarh.

15.03.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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