

CRM-M-5468-2023

Date of Decision: 02.02.2023

Harjit Singh @ Jita

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manoj K. Sharma, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has filed the present petition seeking quashing of impugned order dated 11.01.2023, vide which, non-bailable warrants have been issued against him in a case FIR No.76 dated 14.08.2017, registered under Section 379 IPC and Section 22 of NDPS Act (Section 29-A of NDPS Act added lateron), at Police Station Fatehgarh Churian District, Gurdaspur.

Learned counsel for the petitioner has submitted that the petitioner was not even named in the FIR and he has been implicated in the present case on the basis of the disclosure statement of the co-accused from whom 5 grams of heroin was recovered. He submits that the petitioner was granted bail, however, on account of ill health of his brother, he remained absent only on one date i.e. 11.01.2023 and his bail bonds were cancelled and non-bailable warrants were issued against him. He submits that the petitioner would be cautious enough in future and will not remain absent from Court and would abide by all the terms and conditions of the bail granted to him.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, Deputy Advocate General, Punjab accepts notice on behalf of the State.

Heard.

After hearing learned counsel for the parties, this Court is of the view that the petitioner is facing trial in the above said case and remained absent on 11.01.2023 on account of ill health of his brother and on account of this, his bail/surety bonds were cancelled and he was ordered to be summoned through non-bailable warrants. As the petitioner is ready to join the proceedings, no purpose will be served by sending him behind the bars. So keeping in view the facts and circumstances of the case, the present petition is disposed of and the order dated 11.01.2023 is set aside.

The petitioner is directed to appear and surrender before the trial Court within 10 days from today and file appropriate application and the Court concerned would consider and decide the same within three days from the date of filing of the same in accordance with law. The petitioner will have protection from arrest for a period of 10 days.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 11.01.2023 will come in force.

02.02.2023
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:Yes/No
Whether Reportable	:Yes/No