

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

**CRM-M-8687-2022 (O&M)
Date of decision : 03.08.2023**

Amarbir Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Sansha Mahajan, Advocate for
Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.57 dated 25.06.2019, under Section(s) 21, 61 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhikhiwind, District Tarn Taran.

(2) It transpires that petitioner was granted regular bail by learned trial Court, vide order dated 19.07.2019 (P-2); however, due to his non-appearance on 10.12.2021, bail was cancelled and he was summoned through non-bailable warrants.

(3) The Coordinate Bench, vide order dated 07.02.2023, granted interim bail to petitioner and the same reads as under:-

“Copy of the LCR has been received. From the record, it appears that earlier the petitioner was granted regular bail vide order dated 19.7.2019 (Annexure P-2) and thereafter, he jumped bail on 10.12.2021 and consequently, his bail order was cancelled and he was directed to be summoned through non-bailable warrants of arrest.

Counsel for the petitioner submits that it was the single default on the part of the petitioner and the petitioner who is having no criminal history, is ready to join the proceedings in the learned trial Court. State counsel on instructions from ASI Sukhwinder Singh apprised the Court that the petitioner has not been declared as proclaimed offender till date but the proceedings in this regard are pending before the learned trial Court.

In view of above, the petitioner is hereby directed to surrender before the learned trial Court within next 20 days and on his doing so, the petitioner is to be released on interim bail by the said Court to its own satisfaction till the next date fixed in the present petition subject to deposit of costs of ₹ 5,000/- with District Legal Services Authority, Tarn Taran.

Now be listed on 3.8.2023.”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the proceedings before learned trial Court and he shall fully cooperate in future.

(5) Learned State Counsel, on instructions from ASI Sukhwinder Singh, acknowledged that petitioner has joined the proceedings and as on today, his custody is not required.

(6) In view of above, interim order dated 07.02.2023 is made absolute as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

(7) It is made clear that the petitioner shall fully co-operate with the learned trial Court and not to repeat such lapse(s) in future. Also directed that petitioner shall not seek unnecessary adjournments.

(8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

August 3rd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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