

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

275

CRM-M-8087-2023

Date of Decision: 23.02.2023

Kawaljit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anurag Chopra, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

ANOOP CHITKARA, J.

Seeking issuance of directions to quash the order dated 26.10.2022, passed by the learned Judge, Special Court, Amritsar, the petitioner has come up before this Court.

2. The petitioner was arrested for possessing intoxicant and because the State could not procure FSL report within the statutory period, as such the Court had granted interim bail to the petitioner. Such bail was on the condition that on the basis of the report of the laboratory, if the quantity of the contraband falls in commercial, then the bail order shall deemed to be cancelled.

3. On 06.11.2016, the Chemical Examiner's report was presented which found the intoxicant powder to contain salt of Alprazolam and the total quantity of 110 grams. As per the schedule of NDPS Act, the quantity more than 100 gram of Alprazolam, would fall under commercial quantity and for that reason vide order dated 06.11.2016, the bail was cancelled and the petitioner was directed to surrender. However the petitioner did not surrender and eventually the Court declared him as a proclaimed person.

4. Now, through the present petition under Section 482 CrPC, the petitioner has come up before this Court seeking quashing of proclamation order and also on merits.

5. I have heard learned counsel for the parties and gone through the record. During the course of arguments, the petitioner's counsel made a

concession that the petitioner would be surrendering before the trial Court and submits that in case, he files a petition for regular bail under Section 439 CrPC, then the same may be decided on the date of filing itself.

6. In the entirety of facts and circumstances and the fact that the police failed to nab the petitioner from the year 2016, it is appropriate to pass the following order:-

(i) The petitioner is directed to surrender before the Sessions Judge, Amritsar on 03.03.2023 at 10 am.

(ii) In case, the petitioner files an application under Section 439 CrPC, then such application shall be decided on the same date.

(iii) Since the State is aware of this order, as such the State is directed to keep the instructions handy for the Sessions Court and not to seek any adjournment in this regard.

(iv) It is clarified that in case, the Sessions Court dismisses the bail, the Sessions Court shall send the petitioner to judicial custody and in case, allows the bail, then such order should be passed only by imposing stringent conditions with directions to appear on each and every date.

7. Petition is disposed of with the aforementioned observations. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

23.02.2023
anju rani/pyk

Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no