

CRM-M-12529-2023

Date of decision: 14.03.2023

MANJOT SINGH @ MANEY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Yajur Sharma, Advocate for the petitioner.

VIVEK PURI, J. (ORAL)

Petitioner has assailed the order dated 09.11.2022 passed by the learned trial Court vide which the bail order was cancelled, personal bonds and surety bonds were forfeited to the State, non-bailable warrants have been issued and notice to the surety under Section 446 Cr.P.C has also been issued.

Learned counsel for the petitioner contends that the petitioner is facing trial under Section 22 of NDPS Act and the recovery of contraband falls in the category of less than commercial quantity. The petitioner had been regularly appearing in the trial Court and it is the first default on his part. The reason assigned for non-appearance is to the effect that the petitioner had mistaken the date of hearing. The prosecution evidence has been concluded. The statement of the petitioner under Section 313 Cr.P.C has been recorded and the case in the trial Court is fixed for defence evidence. The next date of hearing in the trial Court is stated to be 05.04.2023. He further contends that the petitioner undertakes to appear before the trial Court on or before 05.04.2023 and meanwhile, he may be protected.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of the

respondent-State and submits that appropriate orders may be issued to ensure the

presence of the petitioner in the trial Court.

In these set of circumstances, the present petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court on or before 05.04.2023 and shall move an application for regular bail. However, it is further directed that the arrest of the petitioner may not be effected in the event, he surrenders in the trial Court on or before 05.04.2023 till the disposal of the bail application moved by him and also for a period of two weeks thereafter, in the event, the bail application is dismissed. Furthermore, this order is without prejudice to the proceedings under Section 446 Cr.P.C that may be initiated against the petitioner and the surety.

14.03.2023

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(VIVEK PURI)
JUDGE

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