

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-14840-2023

Date of Decision : 23.03.2023

Tapinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. P.S. Sekhon, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of Code of Criminal Procedure, 1973 for quashing of impugned order dated 10.03.2023 (**Annexure P-7**) passed by Learned Judge, Special Court, Ludhiana whereby bail bonds furnished by the petitioner was cancelled and non-bailable warrants of arrest were issued against him in case FIR No.243 dated 20.08.2022 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sahnewal, District Ludhiana.

Learned counsel for the petitioner submits that on the basis of secret information, the petitioner and his co-accused were apprehended by the police and on personal search 540 intoxicant tablets were recovered from the petitioner. The petitioner was released on interim bail till the receipt of FSL report vide order dated 20.10.2022 passe by learned Judge Special Court, Ludhiana. Now the FSL report dated 18.10.2022 has been received and as per the said report the contraband recovered from the petitioner falls under the category of non-commercial quantity. On 10.03.2023 due to unavoidable circumstances, the petitioner reached at the Court Complex, Ludhiana at 11 a.m. but the trial Court at 10:30 a.m. passed the impugned order. The petitioner is ready and willing to appear before the trial Court.

CRM-M-14840-2023

2

I have heard learned counsel for the petitioner and gone through the paper-book.

Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view the facts that the petitioner was arrested and thereafter released on interim bail and the petitioner is ready to face the trial, the object of presence of accused is primarily for the benefit of accused, no prejudice is going to cause if petitioner is permitted to appear and granted concession of bail, I deem it appropriate to allow the present petition and to extend concession of bail to the petitioner, subject to furnishing of fresh bail bonds to the satisfaction of the Trial Court.

The petitioner is directed to appear before the Trial Court on or before 19.04.2023 and furnish fresh bail bonds to its satisfaction. The petitioner, as agreed, shall pay costs of Rs.10,000/- to be paid to the District Legal Services Authority, Ludhiana.

Disposed of in above terms.

23.03.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No