

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:160371
CRM-42099-2023 in/and
CRM-M-23108-2023
Date of Decision: December 14, 2023

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Kumar, Advocate for the applicant-petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

CRM-42099-2023

This is an application under Section 482 Cr.P.C. to revive the petition bearing No.CRM-M-23108-2023 with further prayer to pass appropriate order, as the petitioner has joined the investigation, as per the order dated 17.08.2023.

For the reasons as mentioned in the application, supported by the affidavit of the petitioner, same is allowed. The main petition, i.e. CRM-M-23108-2023 is revived and is taken on Board today itself.

Main Case

On 17.08.2023, the following order was passed by this Court:-

“This is an application recalling the order dated 25.07.2023 passed by this Court in CRM-M-23108-2023, which was dismissed in default for want of prosecution.

Vide order dated 15.05.2023, the petitioner was allowed interim anticipatory bail in a case arising out of FIR No.63, dated 20.05.2022, registered under Sections 22(a), 22, 29 of the NDPS Act, 1985, at Police Station Subhanpur, District Kapurthala, subject to the condition that petitioner shall join the investigation,

in the meantime. The matter was adjourned to 25.07.2023. However, on the adjourned date i.e. on 25.07.2023, nobody appeared for the petitioner and it was informed by learned State counsel that petitioner had not joined the investigation, in compliance of the order dated 15.05.2023. By way of present application, it is submitted by learned counsel for the petitioner that another false FIR had been registered against the petitioner and police was raiding his house for arresting him. Later on, this Court in CRM-M- No.38443-2023, granted relief of interim bail to the petitioner in case FIR No.85, dated 19.06.2022, under Sections 353, 186, 224, 332, 148, 149 and 120-B of IPC and Sections 21(a) and 22 of the NDPS Act, 1985, registered at Police Station Subhanpur, District Kapurthala.

Learned counsel contends that the counsel appearing for the petitioner, could not come present to inform the said facts to the Court, due to which the petition was dismissed in default for want of prosecution. He further contends that the petitioner is ready to join investigation, so he be granted one more opportunity.

Allowed.

The order dated 25.07.2023 is hereby recalled and the main petition i.e. CRM-M-23108-2023. The Registry is directed to restore the petition to its original number.

The petitioner is directed to join the investigation within 7 days positively.

Adjourned to 02.09.2023.”

Learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 17.08.2023 and is no longer required for further investigation.

In view of the aforesaid, the order dated 17.08.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

December 14, 2023

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(DEEPAK GUPTA)
JUDGE