

2023:PHHC:081337

136 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29309-2023
Date of decision: 02.06.2023

AMANDEEP SINGH ALIAS BABBA

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORUM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

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

DEEPAK MANCHANDA J.

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for setting aside the order dated 27.03.2023 (Annexure P-6) passed by the trial Court whereby non-bailable warrant against the petitioner has been issued in case FIR No. 118 dated 15.06.2019 under Sections 22 of NDPS Act at Police Station Kotwali, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner was granted interim bail by this Court vide order dated 10.08.2021, but vide order dated 07.03.2022, the interim protection was not made absolute due to the fact that petitioner was found involved in another case and thereafter the trial Court passed the impugned order dated 27.03.2023, whereby presence of the petitioner has been secured through non-bailable warrant. Learned counsel submits that the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. P.S. Grewal, DAG Punjab, who is present in the Court accepts notice on the asking of the Court and submits that the impugned order has been passed on the sole ground of absence of the petitioner, however, it is not disputed by him that the petitioner was granted interim anticipatory bail by this Court vide order dated 27.03.2023.

The explanation offered for non-appearance and unintentional absence before the trial Court is accepted.

In view of the above, the order dated 27.03.2023 (Annexure P-6) is set aside. The petitioner is directed to appear before the trial Court within a period of 2 weeks from today and shall be admitted to bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court concerned.

In case, the petitioner does not appear before the trial Court within the stipulated period, the order dated 27.03.2023 (Annexure P-6), passed by the trial Court, shall remain intact.

Petition disposed of.

(DEEPAK MANCHANDA)
JUDGE

02.06.2023
Ajay Goswami

Whether speaking/reasoned	Yes
Whether reportable	Yes/No