

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44141-2023
Date of decision: 07.11.2023

BALDEV SINGHPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Ms. Divya Gulati, Advocate for the petitioner.
Mr. Jaspal Singh Guru, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Section	Police Station
197	11.08.2019	21 of NDPS Act.	City Tarn Taran, District Tarn Taran.

2. It is submitted by learned counsel for the petitioner that the petitioner has appeared and furnished the requisite bail bonds before the trial Court.
3. Learned State counsel, on instructions from ASI Inderjit Singh, has intimated that the petitioner has joined investigation and is not required for further investigation in the matter. Learned State counsel has not controverted the fact that the petitioner has appeared and furnished the requisite bail bonds before the trial Court.
4. During the course of hearing on 04.09.2023, following order was passed:

“By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: - FIR No. Dated Sections Police Station 197 11.08.2019 21 NDPS Act PS City Tarn Taran, District Tarn Taran.

2. *Learned counsel for the petitioner, inter alia, contends that the petitioner having been granted the concession of bail has been regularly appearing in the trial Court. He further contends that on 15.12.2022, the case was adjourned to 13.04.2023, however, due to mistake on the part of the petitioner, he noted the date as 13.05.2023. Due to the said reason, he could not appear in the Court on 13.04.2023, leading to cancellation of bail and issuance of non-bailable warrants of arrest.*

3. *It is further contended by learned counsel for the petitioner that the petitioner had moved an application for bail which was dismissed by learned Judge, Special Court, Tarn Taran on 17.07.2023 (Annexure P-3). He further contends that the absence of the petitioner on the date fixed was due to the fact that he had wrongly noted the date and if the concession of bail is granted to the petitioner, he will regularly appear on each and every date in future, without fail.*

4. *Notice of motion.*

5. *On the asking of the Court, Ms. Swati Batra, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.*

6. *Adjourned to 25.09.2023.*

7. *Keeping in view the averments made in the petition and the submissions made by both side, without commenting on the merits of the case, the petitioner is directed to appear before learned trial Court within seven days from today and in the event of the arrest of the petitioner, he shall be released on*

*interim bail to the satisfaction of the concerned Court subject to compliance of the provisions envisaged under Section 438(2) Cr.P.C. *

8. The petitioner shall also furnish a specific undertaking before the trial Court that in future, he would be regularly appearing before the concerned Court on each and every date and in case of extreme exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed .”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 04.09.2023 passed by this Court, interim bail granted vide order dated 04.09.2023 is, hereby, confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

07.11.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No