

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(103)

CRM-M-47449-2023 (O&M)
Date of decision:- 06.10.2023

Jasvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naresh Paul Chandel, Advocate
for the petitioner.

SUVIR SEHGAL, J. (ORAL)

CRM-41841-2023

1. Application is allowed as prayed for.
2. Interim orders passed by the Trial Court are taken on record as Annexure P-5 (Colly).

Main case

1. Instant petition has been filed under Section 438, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
97	07.08.2020	Sadar, Rajpura	22 of the NDPS Act.

2. Counsel for the petitioner submits that the petitioner was released on interim bail by this Court vide order dated 03.11.2020 as the FSL report was not received. Counsel submits that petitioner has been appearing before the Trial Court, but he could not appear on 07.08.2023 when the Trial Court issued non-bailable warrants for his arrest as well as notice to surety.
3. Notice of motion.

4. On asking of the Court, Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of the State-respondent.
5. Upon instructions, State counsel submits that a total of 6000 tablets of Clovidol SR-100 were recovered from the joint possession of both the accused, Jasvir Singh and Deep Singh, the total weight of contraband is more than 2 kg 400 grams and the salt was found to be Tramadol Hydrochloride. By making a reference to the zimini orders, State counsel submits that the petitioner has failed to surrender before the Trial Court on the presentation of the challan.
6. I have heard counsel for the parties and considered their respective submissions.
7. It is evident from the orders, Annexure P-1, that the petitioner did not surrender before the Trial Court after the challan was presented. Moreover, on the failure of the petitioner to appear, Trial Court has issued non-bailable warrant to secure his presence. The petition for anticipatory bail is, therefore, not maintainable and deserves to be declined.
8. However, in case the petitioner surrenders before the Trial Court on or before 18.11.2023, the next date before the Court and moves an application seeking grant of regular bail/recall of warrant, Trial Court shall make an endeavour and decide the same within a period of one week of its filing.
9. Petition is disposed of.

06.10.2023

(SUVIR SEHGAL)

Kamal

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No