

135 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:132051
CRM-M-48867-2023
Date of Decision: October 11, 2023

Amarnath @ Nathu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Monty Goyal, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition is for quashing the order dated 28.08.2023 (Annexure P-4) passed by learned Addl. Sessions Judge, Ludhiana, whereby bail of petitioner was cancelled and warrants of arrest have been ordered to be issued in case FIR No.230, dated 15.08.2018, under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Jagraon.

2. Learned counsel for the petitioner contends that the petitioner was on bail while facing trial. However, he could not appear on 28.08.2023 due to unforeseen circumstances and his bail was cancelled by the learned Addl. Sessions Judge, Ludhiana and warrants of arrest were directed to be issued against him.

3. Learned counsel for the petitioner further contends that petitioner is ready to surrender before the Trial Court and he be provided necessary protection.

4. Notice of motion.

5. Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent -State.

6. Learned State counsel has drawn attention towards the conduct of the petitioner and has prayed for dismissal of the petition.

7. This petition is hereby disposed of with a direction to the petitioner to surrender before the Trial Court on or before 23.10.2023, stated to be the next date of hearing. On his such surrender, the Trial Court shall initiate the proceedings under Section 446 Cr.P.C. against the petitioner and after disposal of those proceedings, shall grant bail to him. Till the disposal of the proceedings under Section 446 Cr.P.C., the petitioner shall not be taken into custody. If in the meantime, due to issuance of warrants of arrest against the petitioner, he is sought to be arrested, he shall be admitted to interim bail to the satisfaction of the Investigating Officer.

Disposed of.

October 11, 2023

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No