

122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:133634
CRM-M-52152-2023
Date of Decision: October 13, 2023

Samuel Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition under Section 482 Cr.P.C. is to quash impugned order dated 05.08.2023 (Annexure P-3) passed by learned Addl. Sessions Judge, Gurdaspur, whereby the bail of the petitioner was cancelled on account of his absence in case arising out of FIR No.111, dated 09.12.2021, under Sections 21 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sekhwan, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner was allowed anticipatory bail vide order dated 08.02.2022, which was confirmed on 14.02.2022 and after filing of the challan, petitioner could not appear on the some of the dates, due to which his bail was then cancelled by way of impugned order dated 05.08.2023. Counsel for the petitioner submits that because of the continuous ill health of the petitioner, he could not appear.

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 13.11.2023, the next date stated to be fixed thereat. 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, she shall be admitted to interim bail to the satisfaction of the Investigating Officer.

Disposed of.

October 13, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No