

2023:PHHC:145370

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM-M-57696-2023
Date of Decision.:16.11.2023**

Mintu Singh

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Riffi Bala Birla, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash order dated 30.09.2023 (Annexure P-4) passed by learned Additional Sessions Judge- Fast Track Special Court, Fazilka in case titled as 'State of Punjab v. Mintu Singh' arising out of FIR No.05 dated 13.10.2022 registered at Police Station SSOC Fazilka, District Fazilka under Sections 21/23/30 Act No.61 of NDPS Act, 1985 (Section 27-A NDPS Act, 1985 added later on), whereby bail of the petitioner was cancelled and bonds were forfeited to State.

It is contended by learned counsel that petitioner was allowed bail by the Court of learned Additional Sessions Judge, Fazilka vide order dated 18.11.2022 (Annexure P-2). Thereafter, Section 27-A of the NDPS Act, 1985 was added by the police vide GD No.019 dated 06.06.2023 (Annexure P-3). Due to addition of Section 27-A of the NDPS Act, 1985, petitioner applied for anticipatory bail by filing CRM-M-37151-2023 but the same was dismissed as withdrawn with permission to avail other remedies in accordance with law.

Learned counsel further contends that because of the aforesaid reasons petitioner could not appear before the Trial Court and in the meantime, his bail was cancelled.

Perusal of the impugned order dated 30.09.2023 reveals that earlier appearance of the petitioner had been exempted.

Notice of motion.

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

This petition is hereby disposed of with the direction to the petitioner to surrender before the Trial Court concerned within a period of 15 days from today. On his such appearance, the Trial Court will be at liberty to initiate proceedings under Section 446 Cr.P.C. against the petitioner and after disposal thereof, shall admit the petitioner to bail.

It is made clear that till the disposal of proceedings under Section 446 Cr.P.C., petitioner shall not be taken into custody. If in the meantime, petitioner is sought to be arrested on account of warrants of arrest having being issued against him, he shall be admitted to interim bail to the satisfaction of Arresting Officer.

(DEEPAK GUPTA)
JUDGE

November 16, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No