

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

124

**CRM-M-58578-2023
Date of decision: 21.11.2023**

AJAY KUMAR @ AJI

....Petitioner

Versus**STATE OF PUNJAB**

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. M.R. Sharma, Advocate
for the petitioner.

KULDEEP TIWARI. J.(Oral)

The instant petition has been filed under Section 482 Cr.P.C for quashing of the order dated 29.04.2023 (Annexure P-3), in which non-bailable warrants were issued against the petitioner, in case bearing FIR No.109 dated 17.06.2021, under Section 21(b) of NDPS Act, registered at Police Station Dinanagar, District Gurdaspur.

The petitioner was enlarged on regular bail, vide order dated 02.08.2021 (Annexure P-1). The petitioner was regularly appearing before the learned trial Court concerned. However, during the pendency of the trial, the petitioner was arrested in another case bearing FIR No.26 dated 10.02.2023, under Sections 21(b), 25, 27(a) and 29 of NDPS Act, registered at Police Station Dinanagar, District Gurdaspur. The petitioner was arrested on 28.04.2023, in the above-said FIR, i.e. one day prior to the date fixed before the learned trial Court concerned and because of his arrest in the above-said FIR, the petitioner could not cause his appearance before the learned trial court concerned, which led to

issuance of non-bailable warrants against the petitioner.

Learned counsel for the petitioner submits that, it was the duty of the Arresting Officer to produce the petitioner before the learned trial Court concerned, however, he was not produced, therefore, the impugned order is not sustainable. Learned counsel for the petitioner further placed reliance upon the order dated 19.09.2023, passed by the Co-ordinate Bench, vide which the petitioner was enlarged on regular bail. Learned counsel for the petitioner also submits that the petitioner is ready and willing to join the proceedings before the learned trial Court concerned.

In view of the above explained circumstances, this Court deems it appropriate to allow the petitioner to appear before the learned trial Court concerned on 30.11.2023, and in case the petitioner appears before the learned trial Court concerned and moves an application for grant of regular bail before the learned trial Court concerned, the latter shall make every endeavor to decide the bail application, if any, moved, most expeditiously, preferably on the same day. Only till then the arrest of the petitioner shall remain stayed.

Disposed of.

21.11.2023
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No