

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

CRM-M-62631-2023

Date of Decision :- 13.12.2023

Harjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Rahul Garg, Advocate for
 Mr.Vinod K. Kaushal, Advocate
 for the petitioner.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.P.C. for setting aside of order dated 28.07.2023, Annexure P4, whereby non-bailable warrants has been issued to secure the presence of the petitioner in FIR No.166 dated 15.12.2019, under Section 15 of NDPS Act, registered at Police Station Sultanwind, District Police Commissionerate, Amritsar, Annexure P1.

2. Counsel for the petitioner submits that the petitioner was apprehended and a recovery of 1.750 kg poppy-husk was effected from him. He was released on regular bail by the Special Court, Amritsar by order dated 03.02.2020, Annexure P2. Counsel submits that the petitioner, who is a driver by profession, has been constantly appearing before the trial Court but due to miscommunication, he could not appear before the trial Court, as a result of which impugned order, Annexure P4 has been

passed. Counsel for the petitioner submits that the petitioner is prepared to join the proceedings.

3. Notice of motion.

4. On asking of the Court, Mr. A.P.S. Tung, DAG, Punjab, accepts notice on behalf of respondent-State. As per his instructions received from ASI Angrej Singh, charge has been framed on 13.08.2021 and the proceedings before the trial Court are fixed for leading evidence by the prosecution. He has, however, opposed the prayer made in the petition.

5. Having heard counsel for the parties, this Court is of the view that the petitioner deserves to be given an opportunity to cooperate with the trial Court and join the proceedings.

6. Accordingly, petitioner is directed to surrender before the trial Court, move an appropriate application and join the proceedings within a period of three weeks from today. On doing so, he shall be released on bail on furnishing fresh bail/surety bonds to the satisfaction of the Court concerned. This will be subject to deposit of cost of Rs.10,000/- with 'Poor Patient Welfare Fund', PGIMER, Sector, 12, Chandigarh, which shall be a condition precedent to the release of petitioner on bail.

7. Petition is disposed of.

13.12.2023

Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No