

LAKHWINDER SINGH @ RAJA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Parteek Pandit, Advocate
for the petitioner.

KARAMJIT SINGH, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of order dated 22.09.2022 (Annexure P-7) passed by Ld. Judge, Special Court, Kapurthala in criminal case FIR No. 91 dated 27.06.2019 under Sections 21, 22 of NDPS Act at Police Station Subhanpur, District Kapurthala.
2. Counsel for the petitioner submits that as per the allegations appearing on the record, 12 injections of Avil were recovered from the possession of the petitioner while 9 intoxicant injections were recovered from co-accused-Gurdial Singh and both the accused were arrested at the spot but later on the petitioner was granted interim bail by the learned trial Court as the report of FSL was still awaited and the said order of interim bail dated 01.08.2019 is (Annexure P-2).
3. Counsel for the petitioner further submits that thereafter due to COVID-19 situation the Courts started working in a restricted manner, that as such the petitioner failed to appear in the trial Court but his

Interim bail was never cancelled. He further submits that even otherwise

as per the report of the FSL, recovery if any, effected in the present case comes under non commercial quantity and that the petitioner is ready to join the proceedings before the trial Court.

4. Notice of motion.
5. Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of State and on instructions from ASI Sukhchain Singh submits that after grant of interim bail, the petitioner never appeared in the trial Court and consequently impugned order (Annexure-P-7) was rightly passed by the trial Court, whereby non-bailable warrants of arrest of the petitioner are issued by the trial Court. However, the State counsel has not disputed the fact that as per report of FSL, the contraband recovered in the present case falls in non-commercial quantity and thus rigors of Section 37, NDPS Act are not applicable and it apparently appears that no Narcotic Drugs and Psychotropic Substance is recovered from the conscious possession of the petitioner.
6. In light of the above, without expressing any opinion on the merits of the case, the present petition is hereby disposed of with direction to the petitioner to appear before the trial Court within next 10 days and is to move an application for grant of regular bail which is to be decided by the learned trial Court on the same very day and till then no coercive action is to be taken against the petitioner.

(KARAMJIT SINGH)
JUDGE

01.02.2024
Priyanka Thakur

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No