

S. No.141

2024:PHHC:015229

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

CRM-M-5918 of 2024

Date of Decision:05.02.2024

Nikhil Sharma

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Umesh Kumar Kanwar, Advocate
for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of order dated 22.01.2024 (Annexure P.3) passed by learned Additional Sessions Judge, Jalandhar whereby bail of the petitioner has been cancelled and warrants of arrest have been directed to be issued against him in a case arising out of FIR No.31 dated 24.02.2021 registered under Sections 392, 482 IPC; Section 25 (Act No.54 of 1959) of the Arms Act and Section 21(b) and 29 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, at Police Station City, Nakodar, Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner was regularly appearing but the charges could not be framed earlier as the co-accused were not being produced by the jail authorities. However, on 22.01.2024, petitioner could not appear due to some personal reasons. He moved an application for exemption. However, that application was declined and his bail was cancelled. Learned counsel further contends that the petitioner is ready to surrender before the trial Court and that necessary protection be provided to him.

Notice of motion.

Mr. Anmol Singh Sandhu, AAG, Punjab, accepts notice on behalf of the respondent- State.

The present petition is hereby disposed of with direction to the petitioner to surrender before the trial Court concerned on or before 13.02.2024, the date stated to be fixed thereat. On his such appearance, the trial Court shall initiate proceedings under Section 446 Cr.P.C and after disposal of those proceedings, petitioner shall be admitted to bail. It is made clear that till the proceedings under Section 446 Cr.P.C are disposed of, the petitioner shall not be taken into custody. However, in the meantime, if petitioner is sought to be arrested on account of warrants of arrest having been issued against him, he shall be admitted to interim bail to the satisfaction of the Arresting Officer.

February 05, 2024
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(DEEPAK GUPTA)
JUDGE

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