

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

CRM-M-6748-2024
Date of Decision.:08.02.2024

Gurpreet Singh @ Gopi

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner was earlier allowed bail in case FIR No.200 dated 20.10.2022 registered at Police Station Tibba, District Police Commissionerate, Ludhiana under Section 15 of NDPS Act and it is contended that petitioner was regularly appearing before learned Special Court, Ludhiana. On 08.11.2023, he did not appear and so, his bail was cancelled and bonds were forfeited.

2. By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.200 dated 20.10.2022 registered under Section 15 of NDPS Act registered at Police Station Tibba, District Police Commissionerate, Ludhiana submitting that inadvertently he had noted the wrong date due to which he could not appear.

3. Since, the petitioner was earlier granted bail, so he was in the protective custody of the Court and thus, the cancellation of the bail on account of his absence will not give rise to a cause to the petitioner so as to apply for anticiapatory bail.

4. At the same time, it is noticed by this Court that petitioner committed first default in not appearing before the concerned Special Court.

5. This petition is hereby disposed of with the direction to the petitioner to surrender before the Trial Court concerned on or before 15.02.2024, the date already fixed thereat. On his such appearance, the Trial Court will initiate proceedings under Section 446 Cr.P.C. against the petitioner and after disposal thereof, shall admit the petitioner to bail.

6. 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

February 08, 2024
Neetika Tuteja

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