

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

Neutral Citation No. 2024:PHHC:018084
CRM-M-6733-2024
Date of Decision: February 08, 2024

Rajinder @ Satta @ Rajinder Singh ...Petitioner

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner was on bail in a case arising out of FIR No.169 dated 03.08.2021, under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Passiana, District Patiala. Due to non-appearance, his bail was cancelled, vide order dated 16.01.2023 (Annexure P-5) by learned Addl. Sessions Judge, Patiala, and as his warrants of arrest were received as un-excuted, so proclamation was directed to be issued vide order dated 16.01.2024 (Annexure P-7), so as to procure the presence of the petitioner on 16.03.2024. By way of present petition, petitioner has challenged both the aforesaid orders (Annexures P-5 and P-7).

2. Learned counsel for the petitioner contends that the petitioner was regularly appearing before the Court concerned; that he had wrongly noted the date to be 16.02.2023, due to which he could not appear on 16.01.2023. Further attention is drawn towards Annexure P-6, so as to contend that later on petitioner was admitted in Dayanand Medical College and Hospital, Ludhiana, for undergoing some surgery.

3. Learned counsel for the petitioner further contends that petitioner is ready to surrender before the Trial Court and that he may be provided necessary protection.

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4. Notice of motion.
5. Mr. Anmol Singh Sandhu, AAG, Punjab accepts notice on behalf of respondent-State.
6. It is apparent from the impugned orders that till date, petitioner has not been declared as a proclaimed offender. By way of proclamation, his presence has been sought to be procured for 16.03.2024.
7. Although, the conduct of the petitioner by remaining absent and misusing the concession of bail, is not appreciable, but having regard to the circumstances stated by him, this petition is hereby disposed of with a direction to the petitioner to surrender before the Trial Court concerned on or before 16.03.2024, the date already fixed thereat. On his such surrender, the Trial Court shall initiate the proceedings under Section 446 Cr.P.C. and after disposal of those proceedings, the petitioner shall be admitted to bail. Till the disposal of the 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 been issued against him, he shall be admitted to interim bail to the satisfaction of the Arresting Officer.

February 08, 2024

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No