

S. No.127

2024:PHHC:021283

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

CRM-M-8058 of 2024

Date of Decision:15.02.2024

Rajat Kumar @ Sajjan

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:- Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.**

DEEPAK GUPTA, J. (Oral)

Petitioner was on bail during trial of case FIR No.294 dated 15.11.2022 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Model Town, District Hoshiarpur, pending in the Court of learned Additional Sessions Judge, Hoshiarpur. He absented from the trial on 20.07.2023 due to which his bail was cancelled and bail bonds and surety bonds were forfeited. Warrants of arrest were directed to be issued vide order dated 20.07.2023 for 15.09.2023.

Learned counsel for the petitioner contends that it is because of wrong impression regarding the next date of hearing to be 20.09.2023 that the petitioner could not appear on 20.07.2023. Learned counsel further contends that the petitioner is ready to surrender before the trial Court and that he be provided necessary protection as his absence was not intentional and rather it was due to mis-communication.

Notice of motion.

Mr. R.K. Takkar, DAG, Punjab, accepts notice on behalf of the respondent- State. He has opposed the prayer of the petitioner by pointing out towards his conduct.

Heard.

This petition is hereby disposed of with direction to the petitioner to surrender before the trial Court on or before 07.03.2024 and apply for bail. On his surrender, the Court will proceed against the petitioner under Section 446 Cr.P.C and after disposal of those proceedings, shall admit the petitioner to bail. However, it is made clear that 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 in view of the warrants of arrest/proclamation against him, he shall be admitted to interim bail to the satisfaction of Arresting Officer.

February 15, 2024
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(DEEPAK GUPTA)
JUDGE

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