

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-20641-2024 in/and
CRM-M-8946-2024
Date of decision: 15.05.2024

Vishal and others
...Petitioners
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Jaspreet Kaur, Advocate for
Mr. Fatehjeet Singh, Advocate for the petitioners.
Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.
CRM-20641-2024

Application under Section 482 Cr.P.C. seeking one more opportunity to
the petitioners to surrender before learned Special Court in terms and compliance of
order dated 07.03.2024 passed by this Court in the main case.

For the reasons mentioned in the application, same is disposed off.
Main case which is fixed for 29.08.2024 is taken up on Board today itself.

Main case

Present petition has been filed under Section 482 of Cr.P.C. for
quashing of the impugned order dated 03.02.2024 (P-3) passed by learned
Additional Sessions Judge, Jalandhar whereby bail of petitioners was cancelled and
their bail bonds and surety bonds were forfeited to the State in FIR No. 87 dated
08.07.2022 under Section 21 of Narcotic Drugs and Psychotropic Substances Act,
1985 (for short 'NDPS'), registered at Police Station Division No. 1, Jalandhar,
District Police Commissionerate, Jalandhar.

(2) Learned counsel for the petitioners contend that one more opportunity
be granted to the petitioners to surrender before learned Special Court as they were
not aware about the order dated 07.03.2024 passed by this Court.



(3) *Per contra*, learned State counsel vehemently opposed the prayer and submits that petitioners did not surrender before learned Special Court and they are involved in numerous cases.

(4) Heard learned counsel for both sides and perused the paper book.

(5) This Court on 07.03.2024 while granting interim protection to the petitioner passed the following order:-

“Contends that due to miscommunication with his Counsel, petitioners could not appear before learned Special Court, Jalandhar on 03.02.2024. Also contends that there is no other criminal case pending against the petitioners and they are ready to join the proceedings.

Notice of motion.

On asking of the Court, Mr. Neeraj Madaan, Sr. DAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 25.04.2024.

Petitioners shall surrender before learned Special Court within two weeks from today and upon doing so, they be released on interim bail, in the present case, till the next date of hearing on furnishing adequate bail and surety bonds to the satisfaction of learned Special Court.”

(6) Despite aforesaid interim protection, none of the petitioners have surrendered before learned Special Court and all the petitioners are facing various criminal cases.

(7) For reference, the details of cases pending against the petitioners are as under:-

Cases against petitioner No. 1				
Sr. No.	FIR No.	Under Section(s)	Police Station	Status
1.	5 dated 07.01.2021	323, 452, 148, 149, 460, 406 IPC	Police Station Basti Bawa Khel Commissionerate, Jalandhar	Under Investigation
2.	212 dated 27.07.2020	323, 341, 148, 149, 120B, 188 IPC	Police Station Basti Bawa Khel Commissionerate, Jalandhar	Under Investigation
3.	85 dated 1.05.2022	379B, 427, 341, 148, 149 IPC	Police Station Basti Bawa Khel Commissionerate, Jalandhar	Under Investigation
4.	279 dated 3.09.2020	323, 324, 341, 326 IPC	Police Station Basti Bawa Khel Commissionerate, Jalandhar	Under Investigation



Cases against petitioner No. 2				
Sr. No.	FIR No.	Under Section(s)	Police Station	Status
1.	86 dated 24.07.2019	323, 324, 148, 149 IPC	Police Station Division No. 1, Jalandhar	Under Investigation
2.	334 dated 20.10.2023	21 (2), 29 NDPS Act	Police Station Special Task Force, SAS Nagar	Trial pending

Cases against petitioner No. 3				
Sr. No.	FIR No.	Under Section(s)	Police Station	Status
1.	108 dated 5.10.2019	323,341, 148, 149 IPC	Police Station Division No. 2, Jalandhar	Trial pending
2.	152 dated 16.11.2020	341, 324, 148, 149 IPC	Police Station Division No. 2, Jalandhar	Trial pending

(8) As noticed above, petitioners are habitual offenders and more than 03 months have already passed, but none of them came forward to join the proceedings. It appears that petitioners are deliberately avoiding the process of law and they have no respect for the judicial orders. As a result thereof, this Court is not inclined to entertain the present petition.

(9) Consequently, there is no option except to dismiss the petition.

(10) Ordered accordingly.

(11) Needless to say that interim protection dated 07.03.2024 granted to the petitioners shall come to an end, automatically.

(12) The observations made above be not construed as an expression of opinion on merits of the case pending before learned Special Court; rather confined only to decide the present petition.

(13) Pending application(s), if any, shall also stand disposed off.

15.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No