

HARPREET SINGH ALIAS HAPPY

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Harmanpreet Singh, Advocate
for the petitioner.

KARAMJIT SINGH, J. (ORAL)

The present petition has been filed by the petitioner seeking quashing of order dated 11.03.2024(Annexure P-6) passed by Court of Additional Sessions Judge, Amritsar whereby the learned trial Court issued non bailable warrants of arrest of petitioner Harpreet Singh in criminal case having FIR No.122 dated 23.07.2022 under Section 21, 29 of NDPS Act at Police Station Majitha, Amritsar Rural.

2. Counsel for the petitioner *inter alia* submits that prior to passing of impugned order dated 11.03.2024(Annexure P-6), the petitioner was granted interim bail by the concerned Court vide order dated 22.08.2022(Annexure P-2) on the ground that FSL report was still awaited. It is further submitted that the petitioner was arrested in one another case and challan was presented in his absence by the police in the instant case and as such at the relevant time the petitioner was not aware of the exact date of hearing fixed in the present case and that is why he got absented and resulted into passing of impugned order dated 11.03.2024(Annexure P-6). Counsel for the petitioner further submits that the case is relating to recovery of 8 grams of heroin which comes

Section 37 of NDPS Act. It is further submitted that the absence of petitioner before the trial Court at the time of passing of the impugned order dated 11.03.2024(Annexure P-6) was not intentional and that petitioner is ready to join the proceedings before the trial Court without any delay.

3. Notice of motion.
4. Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State and has not disputed the fact that present case is relating to recovery of non-commercial quantity of contraband. However, the State counsel apprised the Court that the petitioner is a habitual offender.
5. In light of the fact that the case is relating to recovery of 8 grams of heroin which comes under non-commercial quantity and earlier the petitioner was granted interim bail by the trial Court vide order dated 22.08.2022 (Annexure P-2) and further the challan was not presented in presence of the petitioner, without expressing any opinion on the merits of the case, the present petition is disposed of with direction to the petitioner to appear in the trial Court within next 10 days and to move an application for grant of regular bail which is to be decided by the learned trial Court on the same very day in accordance with law, in light of the previous order datd 22.08.2022(Annexure P-2) passed by the trial Court itself.

(KARAMJIT SINGH)

JUDGE

08.04.2024

Priyanka Thakur

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No