

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19778-2024 (O&M)
Date of Decision: 23.04.2024

Pawan Singh @ Pamma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Umesh Aggarwal, Advocate, for the petitioner.

FIR No.	Dated	Police Station	Section/s
213	16.08.2022	Jandiala, Amritsar	21 of the NDPS Act (27-A of the NDPS Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of aforementioned FIR.
2. The allegations, in nutshell, are that the petitioner was found in possession of 15 grams of heroin and an amount of Rs.40,000/- is also alleged to have been recovered from the petitioner.
3. The petitioner was granted interim bail vide order dated 20.09.2022 (Annexure P-2), as the report of the FSL had not been received. Vide said order, it was specifically directed that the accused/petitioner shall surrender before the Court within 1 week from the date when the FSL report is received and shall seek regular bail.
4. Learned counsel for the petitioner submits that when the petitioner had appeared before the trial Court on 19.10.2023, the matter was adjourned to 14.03.2024 to await presentation of challan, as the same had not been

presented till such date. It has been submitted that, however, during the interregnum the challan came to be presented on 04.11.2023 i.e. much before the date fixed and on the said date, in the absence of the petitioner, the trial Court proceeded to cancel the petitioner’s bail and issued non-bailable warrants vide order dated 04.11.2023 (Annexure P-5).

- 5. Learned counsel submits that it is a case of recovery of non commercial quantity of contraband and that in case the trial Court had issued notice, the petitioner could have very well put up his case for grant of regular bail, but now on account of issuance of non-bailable warrants, he is on the run.
- 6. Having heard learned counsel for the petitioner and having regard to the specific condition imposed by the trial Court at the time of grant of interim bail, wherein it was clearly stipulated that upon presentation of challan, the petitioner would be required to surrender and also having regard to the fact that it is a case of recovery of non-commercial quantity of contraband, the instant petition is disposed of with liberty to the petitioner to surrender before the trial Court within 10 days and to move an application for grant of regular bail. In case, the petitioner surrenders before the trial Court within 10 days from today and moves an application for grant of regular bail in the forenoon of the day, the trial Court shall endeavour to dispose of the same expeditiously, preferably on the day of filing of such application itself.

23.04.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No