



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

133

CRM-M-26301-2024 (O&M)

Date of Decision:- 04.07.2024

PARTAP SINGH ALIAS PATA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ramnish Puri, Advocate for the petitioner.

SANJIV BERRY, J. (ORAL)

The present petition has been preferred under Section 482 CrPC for quashing of the impugned order dated 27.03.2024 passed by learned Additional Sessions Judge, Amritsar (Annexure P-4), whereby the learned trial Court has issued non-bailable warrants of arrest against the petitioner in case arising out of FIR No.139 dated 17.08.2023 registered under Sections 21 and 29 of the NDPS Act, at Police Station Majitha, District Amritsar (Annexure P-1).

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner after being arrested in present FIR (Annexure P-1) was granted the concession of regular bail by learned Judge, Special Court, Amritsar vide order dated 04.10.2023 (Annexure P-3). He submits that the petitioner was facing another case bearing FIR No.221 dated 09.12.2022 registered under Section 21 of the NDPS Act at Police Station Majitha, District Amritsar, which was also pending in the same Court and the petitioner was on bail therein also. He contends that during the course of



proceedings in the other case, the petitioner could not appear in the Court on 01.11.2023, due to which his bail was cancelled in the that case and he was ordered to be summoned through non-bailable warrants of arrest. In the meanwhile, the trial arising out of present FIR was pending in the Court for 27.03.2024 and since non-bailable warrants of arrest had already been issued against the petitioner, he could not appear in the Court resulting in cancellation of bail of the petitioner in the present FIR. Thereafter, non-bailable warrants of arrest were issued against the petitioner in the present case vide order dated 27.03.2024 (Annexure P-4). He contends that the petitioner has since been granted the concession of interim bail in the other FIR vide order dated 27.05.2024 passed in CRM-M-27199-2024. He thus submits that the absence of the petitioner was not intentional but due to the aforesaid circumstances and he is ready to face the trial.

3. Notice of motion.

4. On the asking of the Court, Mr. Siddharth Attri, AAG Punjab accepts notice on behalf of respondent-State. He on instructions from ASI Harjagjit Singh does not dispute the factual matrix.

5. After hearing the learned counsel for the parties and perusing the record, it transpires that admittedly, the petitioner was granted the concession of bail in the present FIR (Annexure P-1) vide order dated 04.10.2023 (Annexure P-3) and the impugned order dated 27.03.2024 (Annexure P-4) has been passed only on account of the fact that the petitioner failed to appear in the trial Court on 27.03.2024, without any intimation. As submitted by learned counsel for the petitioner, the reason for



absence of the petitioner was the fact that in the same Court the petitioner had been ordered to be summoned through non-bailable warrants of arrest in other case bearing FIR No.221 (*supra*) and now the petitioner has been granted the concession of interim bail in that FIR and he is ready to face the trial in the case arising out of the instant FIR (Annexure P-1) titled as State of Punjab Vs. Akashbeer Singh @ Akash etc. CIS No.NDPS/83/2024.

6. Keeping in view the facts and circumstances of the case, without commenting on the merits thereof, the present petition is disposed of by setting aside the impugned order dated 27.03.2024 passed by learned Additional Sessions Judge, Amritsar (Annexure P-4) and directing the petitioner to appear before the Trial Court/Duty Magistrate concerned, within a period of 10 days from today, however subject to deposit of costs of Rs.10,000/- with the Punjab and Haryana High Court Employees' Welfare Association in Account No.37167209613, IFSC Code: SBIN0050306, State Bank of India, High Court Branch, Chandigarh. In that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency will he seek prior exemption from the Court in accordance with law.

7. Disposed of.

(SANJIV BERRY)
JUDGE

04.07.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No