



CRM-M-33200-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.129

CRM-M-33200-2024

Date of decision : 15.07.2024

Manjinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. B.S. Bhalla, Advocate,
for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for setting aside order dated 19.12.2023 (Annexure P-3) vide which bail of the petitioner has been cancelled and bail bonds and surety bonds of the petitioner have been forfeited in case FIR No.83 dated 22.04.2023 under Section 21/29 of NDPS Act, 1985 registered at Police Station Jandiala, District Amritsar Rural.

2. Learned counsel for the petitioner submits that allegedly the recovery of 6 grams of heroin was recovered from the co-accused Harwinder Singh, who during the course of investigation disclosed the name of the petitioner. He further submits that recovery was non-commercial in nature and, therefore, the petitioner was granted the concession of anticipatory bail on 26.05.2023. Learned counsel further submits that the petitioner was regularly appearing before the learned Magistrate, however, the challan was presented in the absence of the petitioner and due to this reason he could not appear before the learned trial Court.

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3. Learned counsel for the petitioner submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions as may be imposed upon them by the trial Court.

4. Notice of motion.

5. At asking of the Court, Mr. Jasjeet Singh Dhaliwal, AAG Punjab accepts notice on behalf of respondent-State.

6. Heard.

7. On hearing learned counsel for the petitioner and perusing the record, it is apparent that the petitioner was apprehended on the basis of disclosure statement of the co-accused and the recovery was non-commercial in nature and the petitioner was granted the concession of anticipatory bail on 26.05.2023 and on 19.12.2023 his bail bonds/surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

8. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was continuously appearing before the trial Court but could not appear on one date only.

9. In view of the above, the present petition is disposed of. Order dated 19.12.2023 (Annexure P-3) is hereby set aside subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh within a period of 10 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court on or before the date fixed and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. In the meanwhile, no coercive action would be taken against the petitioner. In case, the petitioner failed to appear before the trial Court



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on or before the date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

15.07.2024

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No