



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38627-2024 (O&M)
Date of Decision:-9.8.2024

Jatinder Singh @ Deepak @ Jatinder Singh Chopra ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails order dated 22.3.2024 (Annexure P-3) passed by learned Judge Special Court, Tarn Taran vide which non-bailable warrants (NBWs) of arrest have been issued.
2. The petitioner is arrayed as an accused in FIR No.47 dated 23.4.2021 registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Section 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein allegations are broadly to the effect that he was found in possession of 610 intoxicant tablets. The petitioner was, however, granted *interim* bail vide order dated 4.6.2021 (Annexure P-2) passed by learned Judge Special Court, Tarn Taran as report of chemical examiner had not been received. The operative portion of the said order is reproduced hereinunder:



“In these circumstances, applicant is ordered to be released on interim bail on her furnishing bail bonds in the sum of Rs.50,000/-, with one surety in the like amount, subject to the following conditions:

- 1) That the applicant shall not tamper with evidence.
 - 2) That the applicant shall surrender in the court in case, on receipt of report of chemical examiner, the quantity of the salt from the recovered tablets falls under the commercial segment and in case of violation on the part of the accused to surrender, the Court shall be at liberty to cancel the bail order of the applicant.
 - 3) That the applicant shall not leave the country without prior permission of the Trial court.
 6. Copy of this order be sent to SHO/IO concerned with the direction to send report of chemical examiner immediately to this court. In case, on receipt of report, quantity of narcotic drug or psychotropic substance is found to be commercial, this order granting interim bail shall be deemed to have come to an end automatically and applicant shall surrender before the court without any further order of cancellation of bail otherwise same shall be considered to have become absolute....”
3. A perusal of the aforesaid order clearly shows that upon receipt of the report of chemical examiner, the petitioner was required to surrender and the bail was to come to an end automatically without there being any further order of cancellation of bail. The challan was presented on 2.2.2023. It appears that on 14.12.2023 the Trial Court recorded an order that the accused had absented without intimation and thus ordered that his bail be cancelled. However, since the petitioner had not appeared after receipt of report of FSL, his bail stood automatically cancelled in terms of order dated 4.6.2021, and



there was no need to pass specific order for cancellation of bail. The said error was rectified in order dated 22.3.2024 (Annexure P-3), which is being assailed in the instant petition. The order dated 22.3.2024 reads as under:

“Perusal of file reveals that on 14.12.2023 inadvertently in the zimni order it has been mentioned that accused Jatinder Singh has absented without any intimation and his bail order, bail bonds and surety bonds are cancelled but the proceedings shows that the challan has been presented in the absence of accused and thereafter notice to accused has been issued. The said mistake is typographical mistake and same is required to be rectified. Let accused be now summoned through nonailable warrants in order to procure his presence through the office of SSP, Tarn Taran for 19.07.2024.”

4. In the instant case, since the petitioner had been granted *interim* bail only upto the point of time when report of chemical examiner is submitted, his bail automatically came to an end when report of chemical examiner was filed in the Court. Consequently, the petitioner not having surrendered himself after filing of the report of chemical examiner, the Trial Court cannot be said to have committed any error in issuing non-bailable warrants (NBWs) for securing the presence of the petitioner. As such, order dated 22.3.2024 (Annexure P-3) passed by learned Judge Special Court, Tarn Taran is upheld.
5. Finding no merit in the instant petition, the same is hereby dismissed.

9.8.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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