

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

CRM-M-53718-2023
Date of Decision : 29.01.2024

RAMANDEEP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Instant petition has been filed under Section 482 of the Cr.P.C. for quashing of the impugned order dated 07.02.2020 (Annexure P-3), passed by the learned Judge, Special Court, Tarn Taran, whereby, interim bail granted to the present petitioner has been cancelled, and his bail bonds/surety bonds were forfeited to the State, and non-bailable warrants have been issued against him in a case, arising out of FIR No.165, dated 13.08.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Sadar Patti, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner, alongwith, co-accused Sukhwinder Singh, was arrested on dated 13.08.2018, for allegedly carrying 105 and 115 intoxicant loose tablets, respectively. Though the final report has already been filed, however, the FSL report was not filed alongwith the final report, therefore, the benefit

of conditional interim bail, already granted to the petitioner was extended with a direction that the petitioner would surrender before the learned trial Court concerned, immediately on the receipt of the FSL report, but the petitioner failed to cause an appearance before the learned trial Court concerned, upon the receipt of the FSL report.

3. The FSL report depicts that the alleged recovered contraband is in fact 'Alprazolam', and the total recovered quantity comes out to be 26.04 grams, which falls within the category of a non-commercial quantity, as prescribed under the NDPS Act.

4. Learned counsel for the petitioner, further submits that the petitioner was not informed about the filing of FSL report before the learned trial Court concerned. The petitioner has no intention to evade his appearance before the learned trial Court concerned.

5. He further submits that the petitioner is ready and willing to surrender before the learned trial Court concerned, in pursuance of the non-bailable warrants issued against him, in case adequate protection is granted to the present petitioner.

6. Notice of motion.

7. Mr. Digvijay Nagpal, AAG, Punjab, accepts notice on behalf of respondent-State, and admits the factum that the alleged contraband recovered from the petitioner and his co-accused, falls within the category of non-commercial quantity.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

9. Considering the above facts as submitted by learned counsel for the petitioner, and the fact that the alleged recovered contraband falls within the category of non-commercial quantity, and also the fact that the absence of the petitioner was not intentional and willful and he is ready to surrender before the learned trial Court concerned, this Court deems it appropriate to direct the petitioner to surrender before the learned trial Court concerned, within 7 days from today. In case, the petitioner surrenders before the trial Court concerned within the prescribed period and moves a regular bail application, the said Court shall make endeavour decide the same most expeditiously.
10. Till then the arrest of the petitioner shall remain stayed.
11. In case, the petitioner does not puts in appearance before the learned trial Court concerned, within 7 days from today, the interim protection granted by this Court shall *ipso facto* vacated, without any further reference to this Court.
12. Disposed of accordingly.

January 29, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No