



120

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59210-2024

Date of decision: 10.12.2024

MANRAJ SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Neeraj Madaan, Senior DAG, Punjab.

AMARJOT BHATTI, J.

Petitioner-Manraj Singh has filed the present petition under Section 528 of BNSS, 2023 for quashing of impugned order dated 09.10.2024 (Annexure P-5) passed by the learned Additional Sessions Judge, Ludhiana, vide which his regular interim bail granted vide order dated 27.03.2023 (Annexure P-2) in FIR No.12 dated 06.02.2023 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, (Annexure P-1) has been cancelled in wrongful manner and his warrant of arrest has been issued.

2. It is argued that aforesaid FIR, was registered on the basis of secret information received by the Investigating Officer that petitioner was dealing with the sale of large quantity of narcotic pills at Dashmesh Medical Store. On the basis of said information, raid was conducted and allegedly 750 intoxicant tablets of Tramatrast SR-100, 500 intoxicant tablets of Optizol SR-0.5 and 400 intoxicant tablets of Clonz-0.5 were



by Judge Special Court, Ludhiana, vide order dated 27.03.2023 (Annexure P-2). Challan was presented in the absence of petitioner and without supplying report of Forensic Science Laboratory to the petitioner his bail bonds and surety bonds were cancelled and forfeited to the State and his arrest warrants were issued vide impugned order dated 09.10.2024. It is prayed that impugned dated 09.10.2024 (Annexure P-5) may kindly be set aside.

3. Bail application is opposed by learned counsel representing State. It is pointed out that in the case in hand recovery of contraband falls in commercial quantity. Bail granted in his favour was conditional and he was required to surrender before the trial Court which he failed, rather counsel for the petitioner filed an application seeking exemption from personal appearance which was rightly declined and his arrest warrants were issued. It is pointed out that petition filed by the petitioner is without merits and deserves dismissal.

4. I have considered the arguments and have gone through the documents on record. In the case, in hand petitioner was granted interim bail by Judge Special Court, Ludhiana, vide order dated 27.03.2023 relevant part runs as under:-

“.....So, in view of the judgment passed by the **Hon’ble High Court in Criminal Misc. No.M-1379-2013 in case titled as Ravinder Singh @ Rinku Vs. State of Punjab**, interim bail is granted to the accused/applicant on furnishing of personal bonds to the tune of Rs. 50,000/- with one surety in the like amount, with the condition that he will surrender before the Court positively if contents of salt of intoxicant substance falls under the category of commercial in nature. Accordingly, bail application under reference stands disposed off. Police record be returned



and bail application file is ordered to be attached with the remand papers”

Challan in this case was presented on 18.04.2024 whereas remand papers were fixed for 24.05.2024. Copy of Zimni order dated 18.04.2024 is (Annexure P-3). Since, the remand papers were fixed for 24.05.2024, therefore, notice was issued to the accused for date fixed. On that day file was taken up by Additional Sessions Judge Duty who adjourned the matter to 09.10.2024. On 09.10.2024 instead of appearing counsel for petitioner filed application seeking exemption for personal appearance which was declined by learned Additional Sessions Judge, Ludhiana and it was observed that as per the report of RFSL attached with the challan report, alleged recovery fell in commercial quantity. Therefore, in pursuance of interim bail granted vide order dated 27.03.2023 he was to surrender before the learned trial Court. Said bail order was conditional and petitioner was duty bound to surrender, but on the contrary he tried to evade the process of law.

5. Therefore, I do not find any reason to set aside the order dated 09.10.2024 (Annexure P-5) and the same is accordingly upheld and petition preferred by the petitioner is accordingly declined.

(AMARJOT BHATTI)
JUDGE

10.12.2024
monika

- | | | |
|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |