

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

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CRM-M-50197-2021

Date of Decision : December 07, 2021

DEEP CHAND ALIAS DEEPA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. J.K.Singla, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J.

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of impugned order dated 14.9.2021 passed by the Judge, Special Court, Mansa (Annexure P-5) whereby the bail order of the petitioner was cancelled.

The learned counsel for the petitioner has submitted that the petitioner was arrested in the present case on 27.6.2020 under Sections 18 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and he was released on regular bail on 31.7.2020 vide Annexure P-2. He submitted that when the matter was listed before the learned trial Court on 14.9.2021, he failed to appear before the trial Court within time as he had to travel from a huge distance and it was beyond the control of the petitioner to have appeared in time. He also submitted that the reason for non-appearance was that while coming from a far away distance from District Sikkar, Rajasthan, there was a blockage of road by Kissan Unions and, therefore, he could not appear and his bail bonds were cancelled on

14.9.2021 and surety bonds were forfeited to the State vide Annexure P-5. He has, therefore, submitted that the order Annexure P-5 be quashed.

I have heard the learned counsel for the petitioner.

A perusal of order Annexure P-5 would show that on 14.9.2021 the petitioner did not appear before the learned trial Court and his bail bonds were cancelled and non-bailable warrants were issued against the petitioner for 21.10.2021 vide Annexure P-5. On 21.10.2021, fresh non-bailable warrants were issued against the petitioner and the matter was adjourned for 19.11.2021. Thereafter vide Annexure P-7 on 22.11.2021 again fresh non-bailable warrants were issued against the petitioner and bailable warrants were also issued against the surety. The plea raised by the learned counsel for the petitioner that he could not appear in the Court on 14.9.2021 due to blockage by the Kissan Unions and, therefore, it is a good ground for quashing the impugned order dated 14.9.2021 is unsustainable. After 14.9.2021, the petitioner has filed the present petition on 29.11.2021 i.e. after 2½ months and two dates were elapsed before the learned trial Court where he did not appear and, therefore, fresh non-bailable warrants were issued against him. Even if the petitioner was held up in the blockage of road, it was the duty of the petitioner to thereafter immediately surrender before the learned trial Court but the petitioner has chosen to file the present petition by challenging the impugned order dated 14.9.2021 which is not appropriate. The petitioner is resident of Rajasthan and he is involved in an offence under the NDPS Act and has jumped the bail. The reason

given by the learned counsel for the petitioner does not seem appropriate to this Court to quash the order dated 14.9.2021 Annexure P-5.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

December 07, 2021
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(JASGURPREET SINGH PURI)
JUDGE

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