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

CRM-M-10386-2022

Date of decision : 10.03.2022

Soni Singh @ Billa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned order dated 02.03.2022 (Annexure P-1) passed by the Special Judge, under NDPS Act, Fatehabad, whereby the bail of the petitioner has been cancelled and his bail bonds and surety bonds have been forfeited to the State in FIR No.192 dated 28.07.2019 registered under Sections 21-B and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Ratia, District Fatehabad.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was granted regular bail vide order dated 27.08.2019 (Annexure P-3) passed by the Special Judge under NDPS Act, Fatehabad, and the quantity involved in the present case was 7 grams of heroin which is non-commercial quantity. It is further submitted that the

petitioner had been appearing regularly before the trial Court and on 02.03.2022, he could not appear due to noting of wrong date as 03.03.2022 instead of 02.03.2022. It is argued that on account of the same, the impugned order (Annexure P-1) had been passed and the case was adjourned to 29.04.2022. It is further argued that the petitioner has come before this Court immediately after passing of the said impugned order and the petitioner is now ready to appear within a period of 15 days from today before the trial Court and he also undertakes to appear on each and every date except on those dates when his personal appearance is specifically exempted by the Court.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and has submitted that on the date when the impugned order was passed, two witnesses were present who could not be examined on account of non-appearance of the present petitioner.

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, the petitioner was granted the concession of regular bail on 27.08.2019 (Annexure P-3). It is the case of the petitioner that the petitioner was implicated in the present case on the basis of disclosure statement of co-accused Rinku who was found in possession of 7 grams of heroin which is non-commercial quantity. It is the case of the petitioner that the petitioner had been regularly appearing before the trial

Court and on 02.03.2022, he could not appear as he had wrongly noted the date as 03.03.2022 instead of 02.03.2022 and on account of the said fact, the bail of the petitioner was cancelled and his bail bonds and surety bonds were forfeited to the State. A perusal of the impugned order dated 02.03.2022 (Annexure P-1) would show that warrants of arrest against the petitioner and notice to his surety were issued for 29.04.2022. The petitioner has approached this Court before 29.04.2022 which is the next date of hearing before the trial Court. The plea raised by the learned counsel for the petitioner, seems to be bona fide.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 02.03.2022 (Annexure P-1) to the extent that the bail of the petitioner has been cancelled and his bail and surety bonds have been forfeited to the State and warrants of arrest against the petitioner and notice to his surety have also been issued, is set aside subject to the petitioner appearing before the trial Court within a period of 15 days from today and also subject to the petitioner depositing an amount of Rs.7,000/- with the High Court Lawyers' Welfare Fund and also subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is personally exempted by the Court.

In case, the petitioner appears before the trial Court within a period of 15 days from today and shows the receipt of deposit of an amount of Rs.7000/- with the High Court Lawyers' Welfare Fund, then the petitioner would be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court.

It is made clear that in case the petitioner does not appear before the trial Court within a period of 15 days from today or does not deposit an amount of Rs.7000/- with the High Court Lawyers' Welfare Fund or does not show the receipt of the same before the trial Court, then the present petition would be deemed to have been dismissed.

10.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No