

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

CRM-M-17478 of 2022

Date of Decision: 27.04.2022

Lovepreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Kamaljeet S Mamrat, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

By means of this petition, the petitioner has prayed for setting aside impugned order dated 17.03.2022 (P.4) passed by learned trial Court whereby his bail has been cancelled with non-bailable warrants having been issued to secure his presence.

Petitioner is an accused in case FIR No.0051 dated 08.04.2021 under Section 21 of NDPS Act registered at P.S Nihal Singh Wala, Moga. He was released on regular bail vide order dated 02.06.2021 (P.2) passed by by the learned Special Court, Moga. Thereafter, the petitioner regularly appeared before the trial Court. However, on one of the dates i.e 24.08.2021, he did not put in appearance because of which bailable warrants were issued against the petitioner for 04.10.2021.

It is the case of the petitioner that thereafter the bailable warrants were never executed. For non-appearance of the petitioner on 17.03.2022, bail order was cancelled and his bail bonds and surety bonds were forfeited to the State with non-bailable warrants having been issued.

Learned counsel for the petitioner submits that non-appearance of the petitioner was not intentional. In fact, the petitioner had noted a wrong date, therefore, he failed to appear on the date fixed. He submits that the bailable warrants against the petitioner were never executed and that the petitioner never attempted to evade the process of court and that he is ready and willing to face the trial. He undertakes that the petitioner shall appear before the learned trial Court on the date fixed or any date to be fixed by this Court.

Notice of motion.

Mr. B.S. Sewak, Addl.AG, Punjab accepts notice on behalf of the respondent-State. It is not disputed by him that the case is coming up before the trial Court for hearing on 02.05.2022.

The explanation offered by the petitioner for non-appearance before the trial Court appears to be justified and therefore, the same is accepted.

Consequently, impugned order dated 17.03.2022 (P.4) is set aside subject to appearance of the petitioner before the trial Court on or before the date fixed i.e 02.05.2022 and he is allowed to remain on the same bail bonds and surety bonds. In the event of non-compliance of this order, order dated 17.03.2022 (P.4) would remain intact.

Disposed of.

April 27, 2022
manoj

(Harinder Singh Sidhu)
Judge

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