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

CRM-M-20633-2022

Date of decision : 13.05.2022

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 04.03.2022 (Annexure P-2) passed by the Judge, Special Court, Tarn Taran vide which the bail order of the petitioner stands cancelled and non-bailable warrants of arrest have been issued against the petitioner on account of his non-appearance on 04.03.2022 in case FIR No.50 dated 19.02.2015 registered under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Patti, District Tarn Taran.

Learned counsel for the petitioner has submitted that in the present case, the alleged recovery from the co-accused Joginder Kaur who was pillion rider of the motorcycle being driven by the petitioner was of

non-commercial quantity and accordingly, the petitioner was granted bail and the petitioner was regularly appearing before the trial Court. On 05.02.2020, no PW was present and accordingly, the case was adjourned to 26.03.2020 and thereafter, the matter was being adjourned on account of Lockdown and thereafter, on 23.12.2021, again no PW was present and the case was adjourned to 04.03.2022. It is further contended that the petitioner had noted the wrong date i.e. 04.04.2022 and thus, could not appear on 04.03.2022 on which date, the impugned order was passed. It is further argued that the case before the trial Court is now fixed for 17.05.2022 and the petitioner would appear before the trial Court on 17.05.2022, in case, he is granted protection and also undertakes to appear before the trial Court on each and every date unless his appearance is personally exempted by the Court.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, 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 a perusal of zimni orders would show that the petitioner was appearing before the trial Court but on the last date of hearing before the trial Court i.e. on 04.03.2022, he had not appeared, on which date, two witnesses were present and could not be examined on account of the non-appearance of the petitioner and thus, impugned order has rightly been passed.

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

The alleged recovery in the present case is of non-commercial quantity. The petitioner was granted bail and thereafter had been appearing before the trial Court as is apparent from the zimni orders dated 05.02.2020 and 23.12.2021 which are reproduced at pages 4 and 5 of the paper book and on the said dates, no PW was present. It is the case of the petitioner that he had noted the wrong date i.e. 04.04.2022 and on account of the said fact, he could not appear on 04.03.2022 but the petitioner is now ready to appear on 17.05.2022 which is next date of hearing before the trial Court.

Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court on 17.05.2022 and to also appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court. Since, the purpose of issuance of non-bailable warrants was to secure the presence of the petitioner, thus, the interest of justice would be met, in case, the impugned order is set aside and the petitioner is directed to appear before the trial Court on 17.05.2022.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 04.03.2022 (Annexure P-2) to the extent that bail of the petitioner has been cancelled and his bail bonds and surety bonds have been forfeited to the State and non-bailable warrants have been issued against him and notice to his surety has also been issued, is set aside subject to the petitioner appearing before the trial Court on 17.05.2022 and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also

be subject to the petitioner depositing an amount of Rs.10,000/- within a period of one week from today with High Court Lawyers' Welfare Fund and would also be 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.

It is, however, clarified that in case, the abovesaid conditions are not complied with by the petitioner within the stipulated period, then the present petition would be deemed to have been dismissed.

13.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No