

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

106

CRM-M-25187-2022

Date of decision: 02.06.2022

HARPREET SINGH @ BOBBY

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner is an accused in FIR bearing No.26 of 11.02.2018, registered at Police Station Bhogpur, District Jalandhar Rural, wherein, an offence constituted under Section 22 of the NDPS Act, is embodied.

2. It is averred in paragraph No. 2 of the petition that, though the petitioner was arrested by the investigating officer concerned, but subsequently, he became admitted to regular bail by the learned trial Judge concerned.

3. The petitioner herein, was required to be ensuring his making his regular personal appearances, before the learned trial Judge

concerned. However, for want of his making his requisite appearances before the learned trial Judge concerned, the learned trial Judge, on 20.12.2021, and, subsequently on 21.01.2022, and, on 19.05.2022, proceeded to, order for the issuance of nonailable warrants, upon, the present petitioner, and, made them returnable for 23.09.2022. Moreover, the order admitting the present petitioner to regular bail became also cancelled.

4. Though, for want of regular personal appearances being made by the petitioner, before the learned trial Judge concerned, the latter could issue coercive processes, for the relevant purpose, against the petitioner, but the learned trial Judge, could not without a prior notice, being issued upon the present bail petitioner, rather proceed to cancel the order admitting the present bail petitioner to regular bail.

5. The afore above issuance of a prior notice, by the learned trial Judge concerned, upon, the petitioner, preceding his cancelling the order admitting the petitioner to regular bail, has serious repercussions, not only, upon the personal liberty of the petitioner, but also on his estate, as well as, the estate(s) of the sureties concerned, as both the estates concerned, cannot be subjected to coercive processes, unless, prior thereto, a notice is issued upon the sureties concerned. It is in the absence of the issuance of a prior notice to the present petitioner, preceding the order cancelling the previously made order, rather admitting the present bail petitioner to regular bail, that the impugned order becomes visited with a pervasive vice of non adherence to the principles of natural justice. In consequence, the impugned order is set

aside.

6. In sequel, the nonailable warrants, made upon the petitioner, be not issued, and, if issued, be forthwith recalled. However, the petitioner is directed to make his regular appearances before the learned trial Judge concerned, and, as, and, when he is required to be, doing so, unless he is validly exempted.

7. Disposed of.

02.06.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*