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

CRM-M-30827-2022

Date of decision : 19.07.2022

Amarjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rakesh Gupta, 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 orders dated 27.04.2022 (Annexure P-4) and 07.07.2022 (Annexure P-5) passed by the Additional Sessions Judge, Patiala and all the subsequent proceedings arising therefrom in FIR No.149 dated 16.11.2021 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Shambhu, District Patiala, vide which, the bail of the petitioner has been cancelled, his bail bonds and surety bonds have been forfeited to the State, his warrants of arrest have been issued and notice to his surety has also been issued.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was implicated in the abovesaid FIR on account

of being found in possession of 50 grams of heroin which falls under the ambit of non-commercial quantity and the petitioner was granted bail vide order dated 12.01.2022 (Annexure P-2) and thereafter, the petitioner was regularly appearing before the trial Court and reference has also been made to order dated 17.03.2022 (Annexure P-3), on which date, the challan was presented and the petitioner was present in person before the trial Court. It is further submitted that on 27.04.2022, the petitioner had not appeared as he had gone to an other State, as a result of which, his bail order was cancelled, his bail bonds and surety bonds were forfeited to the State, his warrants of arrest were issued and notice to his surety was also issued. Even on 07.07.2022, the petitioner could not appear and the case before the trial Court is now fixed for 26.08.2022. It is contended that on both the said dates, no witnesses were present. It is further contended that the petitioner would appear within a period of one month from today before the trial Court, in case, he is granted protection and also undertakes to appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

On the other hand, learned State Counsel has opposed the present petition and has submitted that the petitioner was aware about the said two dates and yet he had not appeared on the said dates and thus, does not deserve any relief.

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

In the present case, the petitioner was implicated on account of being found in possession of 50 grams of heroin, which is a non-commercial

quantity and the petitioner was granted bail vide order dated 12.01.2022 (Annexure P-2). A perusal of order dated 17.03.2022 (Annexure P-3) would show that the petitioner appeared on the date when the challan was presented. It is the case of the petitioner that he could not appear on 27.04.2022 and 07.07.2022, on account of the fact that on 27.04.2022, he had gone to an other state and on 07.07.2022, he was admitted in Faith Foundation (Regd.), Baddi, District Solan (Himachal Pradesh) on account of a “nervous illness” since 09.06.2022, and he was advised not to travel. A perusal of orders dated 27.04.2022 (Annexure P-4) and 07.07.2022 (Annexure P-5) would show that no witnesses were present on the said dates.

Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court within a period of one month from today and to also appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and orders dated 27.04.2022 (Annexure P-4) and 07.07.2022 (Annexure P-5) to the extent that bail of the petitioner has been cancelled, his bail bonds and surety bonds have been forfeited to the State, his warrants of arrest have been issued and notice to his surety has also been issued and it has been ordered that petitioner be served through publication and his surety namely Ujagar Singh be served throughailable warrants, are set aside subject to the petitioner appearing before the trial Court within a period of one month from today 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.7000/- with High Court Lawyers' Welfare Fund within the stipulated time 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 within the stipulated period, then the present petition would be deemed to have been dismissed.

19.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No