

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(134)

CRM-M-31445-2022

Date of decision: - 22.07.2022

Vishal @ Buggi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Inderpreet Singh Kooner, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 428 Cr.P.C. for quashing of impugned order dated 11.05.2022 (Annexure P-5) whereby the trial Court had cancelled the bail of the petitioner, ordered his bail bonds/surety bonds to be forfeited to the State and has issued warrants of arrest against the petitioner in FIR No.77 dated 23.06.2018, registered under Section 22 of the Narcotics Drugs & Psychotropic Substances Act, 1985, at Police Station Shambu, District Patiala.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was granted regular bail by a Co-ordinate Bench of this Court, vide order dated 27.02.2019 (Annexure P-2) and since then, he is regularly appearing before the trial Court and has referred to the zimni orders (Annexure P-3) in this regard. It is further

submitted that the petitioner could not appear before the trial Court on 11.05.2022 on account of being unwell and with respect to the same, he has produced the medical report slip dated 09.05.2022 (Annexure P-4). It is argued that on account of the said non-appearance, the bail order of the petitioner has been cancelled and the bail bonds/surety bonds have also been cancelled and forfeited to the State and warrants of arrest have been issued against the petitioner for 22.07.2022 and notice has also been issued to the surety of the petitioner. It is submitted that the petitioner would appear within a period of 10 days from today before the trial Court, in case, he is granted protection.

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 the petitioner had not appeared on 11.05.2022 and thus, the impugned order had rightly been passed.

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

The petitioner was granted regular bail by a Co-ordinate Bench of this Court on 27.02.2019 and thereafter, he had been regularly appearing before the trial Court for a period of 3½ years. It is the case of the petitioner that he could not appear before the trial Court on 11.05.2022 on account of being unwell and with respect to the same, he has produced the medical slip dated 09.05.2022 and thus, the explanation

for non-appearance of the petitioner given by the learned counsel for the petitioner, appears to be genuine. A perusal of the impugned order dated 11.05.2022 would show that none of the prosecution witness had been examined on the said date.

Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court within a period of 10 days 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. Since, the purpose of issuance of warrants of arrest 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 within a period of 10 days from today.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 11.05.2022 (P-5) is set aside, subject to the petitioner appearing before the trial Court within a period of 10 days 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.5,000/- within the stipulated time with the 'Punjab and Haryana High Court Employees' Welfare Association 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 within the stipulated period, then the present petition would be deemed to have been dismissed.

July 22, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No