

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

112

**CRM-M-34821-2022
Date of decision: 06.08.2022**

DEEPAK KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Ms. Vaishali Thakur, Advocate
for Mr. Vivek K.Thakur, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner is an accused in FIR No. 30 dated 23.03.2017, registered at Police Station Rawalpindi, District Kapurthala, wherein an offence constituted under Section 21 of the NDPS Act, is embodied.

2. The petitioner was admitted to interim bail by the learned Special Judge, Kapurthala, through an order made on his bail application No.706 of 27.04.2017, on 04.05.2017, subsequently it was made absolute on 29.09.2017.

3. It appears that due to personal non appearance of the present petitioner before the learned trial Judge concerned, he

proceeded to rescind the order made on 29.09.2017, and that too without prior thereto, notice being served upon the petitioner, and, also proceeded to order for cancellation of his personal and surety bonds, besides for them being forfeited to the State of Punjab.

4. Since the learned trial Judge concerned, did not prior to his rescinding the order comprised in Annexure P-3 either issue a notice, nor, ensured its becoming validly served upon the petitioner, whereas, it's being issued, and, also being validly served upon the petitioner was imperative for ensuring that the petitioner does not become condemned un-heard, therefore, he has proceeded to through his breaching the principles of natural justice, rather arbitrarily rescind Annexure P-3, hence through his making the impugned order.

5. Therefore, the impugned order is ridden with a vice of breach being caused to the principles of natural justice. In sequel, the impugned order is quashed and set aside, but with a condition that the present petitioner shall forthwith make his appearance, for the relevant purpose, before the learned trial Judge concerned.

6. If the present petitioner forthwith makes his personal appearance before the learned trial Judge concerned, thereupon, the latter shall ensure his furnishing before him personal, and, surety bonds with an undertaking, that unless he is validly exempted, he shall cause his regular appearance(s) before him, and, also shall ensure that in case the above undertaking is breached, and, that too without any valid exemption being granted to the petitioner, upon his application for exemption, thereupon, the learned trial Judge shall proceed to draw

such coercive processes, as deemed fit.

7. It is also clarified that the non bailable warrants, if not issued, be not issued and if have been issued, they be recalled forthwith.

8. Disposed of.

06.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No