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

CRM-M-36937-2022

Date of decision : 22.08.2022

Rajesh Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Kumar, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for setting aside the order dated 12.05.2022 (Annexure P-3) passed by the Additional Sessions Judge, Ludhiana in FIR No.211 dated 01.10.2017 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Hathur, District Ludhiana Rural, whereby the petitioner's bail has been cancelled and bail bonds and surety bonds of the petitioner are forfeited to the State and non-bailable warrants have been issued against him.

Learned counsel for the petitioner has submitted that in the present case, the petitioner had been granted the concession of bail by this Court vide order dated 28.02.2018 and thereafter, he had absented himself

before the Court on 24.05.2019, as a result of which, his bail was cancelled & his bail bonds and surety bonds were cancelled and forfeited to the State and, thereafter, the petitioner surrendered and was released on regular bail vide order dated 14.01.2021. It is further submitted that the petitioner could not appear before the trial Court on 12.05.2022 as he had noted the wrong date of hearing, on account of which, the impugned order was passed. It is contended that no prosecution witness was present on the said date and thus, no delay has been caused in the trial. It is argued that next date in the present case before the trial Court is 28.09.2022 and the petitioner undertakes to appear before the trial Court within a period of three weeks from today and thereafter, 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 date of hearing and had not appeared on 12.05.2022 despite the same and thus, the impugned order had been rightly passed.

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

In the present case, the petitioner had been granted the concession of bail by this Court on 14.01.2021. It is the case of the petitioner that he could not appear on 12.05.2022 as he had noted the wrong date and the impugned order was passed on the said account. A perusal of order dated 12.05.2022 would show that no prosecution witness was present on the said date and thus, no delay has been caused in the trial.

Further, the next date of hearing before the trial Court is stated

to be 28.09.2022 and the petitioner has undertaken to appear before the trial Court within a period of three weeks from today and also to thereafter 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 the impugned order dated 12.05.2022 (Annexure P-3) is set aside, subject to the petitioner appearing before the trial Court within a period of three weeks 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 the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh 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 specifically exempted by the Court.

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

22.08.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**