

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

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**CRM-M-36609-2022
Decided on : 22.08.2022**

Gaurav Kumar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amandeep Singh Manaise, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner is seeking quashing of the order dated 21.7.2022 (Annexure P-3), passed by learned Addl. Sessions Judge, Sirsa, vide which the bail of the petitioner was cancelled and bail bonds forfeited and non-bailable warrants of arrests have been issued in case FIR No. 233, dated 14.07.2020, under Section 21 of the NDPS Act, registered at Police Station Sadar Sirsa, District Sirsa.

On account of non-appearance of the petitioner on 21.07.2022, bail of the petitioner – Gaurav Kumar, has been cancelled by the trial Court. The case was fixed for framing of charges. Counsel for the petitioner submits that in the impugned order (Annexure P-3), name of the petitioner has been wrongly mentioned as Gurdev Singh, whereas, it should have been Gaurav Kumar. The said fact has been admitted by the learned State counsel also and the said fact has also been substantiated from the warrants dated 22.07.2022 (Annexure P-4), which have been issued in the name of Gaurav Kumar (present petitioner).

Counsel for the petitioner further submits that the petitioner,

who is 38 years old, is not involved in any other case and due to some misunderstanding, he wrongly noted down the next date as 29.07.2022, instead of 21.07.2022. Resultantly, the petitioner was absent on the date of framing of charges, and therefore, the order of cancellation of bail and issuance of non-bailable warrants were issued. He further submits that prior to 21.07.2022, the petitioner was either present all the times hearing or has sought due permission by seeking exemption from appearance.

Notice of motion.

Mr. J.S. Arora, DAG, Punjab, who is present in Court, has put in appearance on behalf of the respondent – State.

A copy of the complete paper book has already been supplied to the State counsel and after going through the same, submits that the petitioner is accused in the recovery of 20 grams smack and has misused the concession of bail, which was granted to him vide order dated 27.08.2020 (Annexure P-2). Therefore, the conduct of the petitioner of being absent from the Court should not be taken lightly and the order dated 21.07.2022 (Annexure P-3), be upheld, as the same has been passed as per law.

Considering the aforementioned submissions of both the sides, this Court is of the view that paramount consideration is to speedup the trial proceedings for its decision at the earliest. Therefore, it would be in the interest of justice, if petitioner is granted one opportunity to appear before the trial Court. In case, the petitioner appears before the trial Court, within a period of 10 days from today, the learned trial Court would release him on bail subject to his furnishing requisite fresh bail/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit a specific undertaking that he will keep appearing during the proceedings of the trial in

future and the proceedings would not be delayed because of his conduct.

In view of above, the present petition is allowed and the impugned order dated 21.07.2022 (Annexure P-3), passed by learned Judge Special Court, Sangrur, is hereby quashed.

(SANJAY VASHISTH)
JUDGE

August 22, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*