

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

**CRM-M-38061-2022(O&M)
Date of Decision : 25.08.2022**

JASPAL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Through this petition, the petitioner seeks quashing of order dated 21.02.2022 passed by Judge Special Court Ludhiana, whereby the bail of the petitioner has been cancelled and non-bailable warrant has been issued against the petitioner in FIR No.83 dated 04.05.2021 registered under Sections 21, 25 and 61 of NDPS Act at Police Station Jagraon, District Ludhiana.

Learned counsel for the petitioner herein submits that after presentation of the challan, petitioner was appearing regularly in the Court. But on account of noting down the wrong date, he was unable to appear before the trial Court first time and vide order dated 21.02.2022, bail of the petitioner was cancelled and non bailable warrant has been issued for 20.07.2022. Now the case before the trial Court is fixed for 26.10.2022. Further submits that petitioner undertakes to appear within a period of one week from today before the trial Court and in future also would keep appearing without any default, unless his personal

appearance is specifically exempted by the trial Court. Therefore, by granting one chance, let he be released on bail.

Notice of motion.

On asking of this Court, Mr. Jaswinder Singh Arora, DAG, Punjab, accepts notice on behalf of respondent-State and while opposing the prayer, learned State counsel submits that since petitioner remained absent for causing delay in the trial proceedings and in order to secure his presence, non-bailable warrants were issued against him and thus, the impugned order is well justified.

I have heard the learned counsel for the parties and perused the record.

Perusal of the order dated 21.02.2022 would show that petitioner could not appear in the case, and thus, his bail was cancelled and non-bailable warrants were issued for 20.07.2022. Petitioner submits that after grant of bail by the trial Court, he has been regularly attending the Court after presentation of the Challan, but unfortunately, could not appear on one date (due to wrong date noted down by him) and thus, explanation for non-appearance of the petitioner given by the learned counsel for the petitioner, seems to be genuine.

Learned Counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court within a period of one week from today and in future also will keep appearing without any default unless his personal appearance is specifically exempted by the trial Court.

Since, very purpose of issuance of the non-bailable warrants was to secure the presence of the petitioner, 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 one week.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 21.02.2022 is set-aside subject to the petitioner appearing before the trial Court on or before 14.09.2022 and on his appearance, the trial Court is directed to release the petitioner on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court and would also submit his affidavit/undertaking to the trial Court that he would keep appearing before the trial Court on each and every date, unless his personal appearance is exempted by the Court.

Ordered accordingly.

Petition stands disposed of.

25.08.2022
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No