

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(128)

CRM-M-40135-2022

Date of decision: - 05.09.2022

Sugam Arora

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 12.05.2022 (Annexure P-3) passed by the Judge Special Court, Tarn Taran, vide which the bail granted to the petitioner has been cancelled and the bail bonds and surety bonds of the petitioner have been forfeited and non-bailable warrants of arrest have been issued to the petitioner due to his non-appearance in the proceedings in case FIR No.286 dated 10.11.2020, registered under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner has submitted that the

petitioner was granted concession of anticipatory bail by the learned Additional Sessions Judge, Tarn Taran, vide order dated 25.11.2020 (Annexure P-2) and the challan in the present case was presented on 08.06.2021, on which date the petitioner had appeared before the trial Court and thereafter, he had been regularly appearing before the trial Court. It is submitted that on 08.02.2022, the matter was adjourned to 12.05.2022, but the petitioner noted the wrong date of hearing i.e., 12.06.2022, thus, he could not appear on 12.05.2022, on which date the impugned order was passed and on the said date, no witness was present and thus, the trial has not been delayed on the said account. It is stated that the case is now fixed for 22.09.2022 and the petitioner undertakes to appear on the said date and also on each and every date thereafter before the trial Court, unless his personal appearance is specifically exempted by the trial Court. Since, the purpose of issuance of warrants of arrest is to secure the presence of the accused, 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.

Notice of motion.

On advance notice, Mr. Tarun Aggarwal, Sr. DAG, 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 was aware about the above-said date and his non-appearance on 12.05.2022 was a conscious act and the impugned order has been rightly passed.

This Court has heard the learned counsel for the parties and

has perused the paper-book.

The petitioner was granted anticipatory bail vide order dated 25.11.2020 (Annexure P-2) by the Additional Sessions Judge, Tara Taran and he had appeared in the Court on 08.06.2021, when the challan was presented and it is the case of the petitioner that he had been appearing regularly and even as per the zimni order dated 08.02.2022, (page 5 of the paper-book), the petitioner had appeared on the said date when the matter was adjourned to 12.05.2022. It is the case of the petitioner that he had noted the wrong date, thus, he could not appear on 12.05.2022, on account of which, the impugned order has been passed. A perusal of order dated 12.05.2022, would show that no witness was present on the said date. The case is now fixed for 22.09.2022 and the petitioner has undertaken to appear before the trial Court on the said date and also on each and every date thereafter, before the trial Court unless his personal appearance is specifically exempted by the trial Court.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the impugned order dated 12.05.2022 (P-3) is set aside, subject to the petitioner appearing before the trial Court on 22.09.2022 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/- with the 'Punjab and Haryana High Court Employees' Welfare Association Fund' within a period of two weeks from today 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 time period, then the present petition would be deemed to have been dismissed.

September 05, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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