

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123)

CRM-M-40773-2022

Date of decision: - 07.09.2022

Khushvant Singh alias Basant

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mandeep Kumar Dhot, 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 10.08.2022 (Annexure P-5), whereby the Judge Special Court, Sangrur, has issued non-bailable warrants against the petitioner in FIR No.104 dated 05.06.2021, under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner has submitted that the petitioner was implicated in a case in which the alleged recovery effected from him was 12 grams of heroin, which is a non-commercial quantity and the petitioner was granted the concession of regular bail vide order

dated 06.07.2021 and thereafter, he had been regularly appearing before the trial Court. It is submitted that on 10.08.2022, the petitioner did not appear in the trial Court as he had wrongly noted the next date of hearing as 17.08.2022, 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 submitted that the petitioner undertakes to appear before the trial Court within a period of three weeks from today 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 10.08.2022 was intentional 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 the concession of regular bail vide order dated 06.07.2021 on account of the fact that the recovery effected from him was of 12 grams of heroin, which is far lesser than the

commercial quantity. It is the case of the petitioner that he had been appearing regularly before the trial Court and on 10.08.2022, he had noted the wrong date, thus, he could not appear, on account of which, the impugned order had been passed. A perusal of the order dated 10.08.2022 would show that no witness of the prosecution was present before the Court on the said date. The petitioner has undertaken to appear before the trial Court within a period of three weeks from today 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 10.08.2022 (P-5) to the extent that the bail orders of the petitioner have been cancelled and his bail bonds/surety bonds have been forfeited to the State and non-bailable warrants have been issued and notice has also been issued to the surety of the petitioner, 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.5,000/- with the 'Punjab and Haryana High Court Employees' Welfare Association Fund' 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 personal 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.

September 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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